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This Collection
Laws of a General
Nature

1843, 1844, 1845, 1846

Index 1847-1848

ACTS OF A GENERAL NATURE,

PASSED BY THE

FORTY SECOND GENERAL ASSEMBLY

OF THE

STATE OF OHIO,

BEGUN AND HELD IN THE CITY OF COLUMBUS;

DECEMBER 4, 1843.

AND

IN THE FORTY SECOND YEAR OF SAID STATE.

VOL. XLII.

COLUMBUS:

SAMUEL MEDARY, STATE PRINTER.

1844.

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YRABU GROMATE

ACTS OF A GENERAL NATURE.

AN ACT

To amend the act entitled "An act regulating the mode of taking the enumeration of white male inhabitants above the age of twenty one years," passed March 10, 1827.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of this state be and he is hereby authorized and required to issue his proclamation on or before the first day of April, in the year one thousand eight hundred and forty seven, and every fourth year thereafter, notifying the assessors of the several townships within this state of the duties required of them in an act entitled "an act to create the office of township assessor," passed March twentieth, one thousand eight hundred and forty one.

Governor required to issue his proclamation.

SEC. 2. That whenever any clerk of the court of common pleas, county auditor, or township assessor, shall neglect or refuse to perform all or any of the duties required of him by the provisions of the last recited act, they shall be considered as having incurred the penalty prescribed in the third section of the act to which this is an amendment.

Liability of certain officers for neglect of duty.

SEC. 3. That it shall be the duty of the clerks of the court of common pleas of the several counties within this state, on or before the first Monday in December, to make return of the census of their respective counties, by mail, a member of the legislature, or other safe private conveyance, directed to the speaker of the senate, and in default of which, such clerk shall forfeit the penalty hereinbefore mentioned.

Duty of clerks.

SEC. 4. It shall be the duty of the prosecuting attorney of the respective counties to make inquiry as to the transmission by the clerk of the returns herein mentioned, or any delinquencies in the performance of duty by the auditor or assessors; and where any such delinquencies or neglect of duty may occur, shall forthwith commence an action for the recovery of the penalty specified in the third section of the act to which this is an amendment, and prosecute the same to final judgment and execution.

Duty of prosecuting attorney.

SEC. 5. That all acts or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

Act repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

THOMAS W. BARTLEY,

Speaker of the Senate.

January 22, 1844.

AN ACT

To regulate proceedings in the action of forcible entry and detainer.

Jury not required, unless demanded by one of the parties.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all actions hereafter brought for forcible entry and detainer, or for forcible detainer only, it shall be lawful for the justice, before whom such action may be instituted, to proceed to the trial of such cause without the intervention of a jury, unless demanded by one of the parties.

Upon judgment being rendered, how to proceed.

SEC. 2. That upon judgment being rendered by such justice, in any case as aforesaid, the same proceedings shall be had in reference thereto, as are provided for in the "act to regulate the action for forcible entry and detainer," passed February twenty five, one thousand eight hundred and thirty one, and also the act amendatory thereto, passed March thirteen, one thousand eight hundred and forty three.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

January 22, 1844.

AN ACT

To abolish the office of Fenceviewer, and for other purposes.

Office abolished.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the office of fenceviewer be and the same is hereby abolished.

Duties to be performed by township trustees.

SEC. 2. That the trustees of the several townships in this state shall perform all the duties required by law of fenceviewers; and shall, when in the performance of such duties, be governed, in all respects, by the laws relating thereto, and shall be entitled to demand and receive for each day's service, to be rendered in the performance of the duties required of them under the act entitled "an act to regulate inclosures, and to provide against trespassing animals," the sum of seventy five cents, and no more.

Their fees.

SEC. 3. This act to take effect and be in force from and after the first day of April, one thousand eight hundred and forty five.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

January 26, 1844.

AN ACT

To authorize the Governor to appoint Commissioners to take acknowledgment of deeds, or other contracts and depositions in other States.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor shall have power to appoint one or more commissioners in any other of the United States, who shall continue in office during the pleasure of the governor, and shall have authority to take the acknowledgment and proof of the execution of any deed or other conveyance, or lease of any lands lying in this state, or of any contract, letter of attorney, or any other writing, under seal or not, to be used or recorded in this state.

Governor to appoint commissioners.

SEC. 2. Such acknowledgment or proof, so taken, according to the laws of the state, and certified to by any such commissioner under his seal of office, annexed to or indorsed on such instrument, shall have the same force and effect, as if the same had been made before a judge or justice of the peace, or any other officer authorized to perform such acts in this state.

Such proof and acknowledgment to be valid.

SEC. 3. Every commissioner, appointed as before mentioned, shall have the power to administer an oath which may be lawfully required in this state, to any person willing to take it, and to take and certify all depositions to be used in any of the courts of this state, in conformity to the laws thereof, either, on interrogatories proposed under commission from a court of this state, or by consent of parties, or on legal notice given to the opposite party, and all such acts shall be as valid as if done and certified according to law by a magistrate in this state.

Commissioner to administer oaths, &c.;

SEC. 4. Every such commissioner, before performing any duty, or exercising any power in virtue of his appointment, shall take and subscribe an oath or affirmation before a judge or clerk of one of the superior courts of the state in which such commissioner shall reside, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the laws of the State of Ohio, which oath, and a description of his seal of office, together with his signature thereto, shall be filed in the office of the Secretary of State of this State.

—shall take an oath;

which, together with seal to be filed in Secretary's office.

SEC. 5. This act to be and remain in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

January 26, 1844.

AN ACT

To provide for the correction of errors in making entries of land at the Land Offices.

To whom application must be made.

Register to report the case to Auditor of State.

When application must be made.

Purchaser entitled to repayment with interest, when purchase is void.

Register authorized to administer oaths;

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever a purchaser of public lands shall have purchased, at any land office in this state, a tract of land different from that he intended to purchase, and shall desire to have his entry corrected, he shall make application for that purpose, by himself or legal representatives, to the register of the land office, and if it shall appear from testimony satisfactory to the register and receiver of public moneys, that an error has been made, the said register and receiver shall report the case, with the testimony, and their opinion thereon, to the auditor of state, who shall have power to direct, if in his opinion it shall be proper, that the purchaser shall be at liberty to withdraw the entry so erroneously made, and that the money which had been paid shall be applied to the purchase of other lands in the same district; provided that, in reference to all sales made prior to the passage of this act, application shall be made as provided for by this section, within two years after the passage of this act; and in reference to all sales or entries hereafter made, application shall be made within two years from the date of such sale or entry.

SEC. 2. That whenever a tract of land shall have been purchased from the State of Ohio, the purchase whereof is, or may be void, by reason of a prior sale thereof by the State of Ohio, or by the United States, or for lack of title thereto in the State of Ohio, or from any other cause whatever, said purchaser, or the legal representatives of said purchaser, or purchasers, shall be entitled to repayment of any sum or sums of money paid for or on account of said land, on making proof to the satisfaction of the auditor of the State of Ohio, that the same was erroneously sold; and the auditor is hereby authorized and required, on surrender, by said purchaser or his legal representative, of the certificate of purchase, deed or other evidence of title by which he or they claim to hold, and propose release to the state, to issue his warrant upon the treasurer of state for the repayment of such sum or sums of money, paid as aforesaid, with interest thereon at the rate of six per centum per annum, from the date of said illegal sale.

SEC. 3. That the register of any land office is hereby authorized to administer oaths in relation to the correction of errors made at that office, and that in no instance shall the testimony of an applicant for a change of entry, without corroborating testimony, be sufficient to sustain said application; and that the auditor of state shall forward to each of the land offices in this state, a copy of this act, with such forms as he shall direct relative to taking testimony, releases to the state, &c.; provided, that said registers are hereby expressly forbidden to

receive any fee or fees for administering said oaths, or reducing said depositions to writing. —but not to receive fees.

Sec. 4. That this act shall take effect from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

January 29, 1844.

AN ACT

To provide for the election of Supervisors of Roads and Highways, by the citizens of each road district.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That at all elections, hereafter to be held within this State, for the election of supervisors of roads and highways, it shall not be lawful for any elector to vote for more than one supervisor, and if any ballot shall contain more than one name for the office of supervisor, the same shall be deemed fraudulent, so far as that office is concerned.

Sec. 2. All laws heretofore passed, inconsistent with the provisions of this act, are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

February 3, 1844.

AN ACT

To amend the act entitled "An act regulating weights and measures," passed March 5, 1835:

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever clover seed shall be sold by the bushel, and no special agreement as to the measure or weight shall have been made by the parties, the bushel shall consist of sixty pounds.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

February 3, 1844.

AN ACT

In relation to the Deaf and Dumb Asylum:

Repealing the act admitting only twelve indigent pupils in the Asylum in one year.

Authorizing them to admit as many as they shall deem proper.

Power to continue over five years those too young to be safely discharged, not exceeding two years.

Admitting indigent persons to learn some trade or business.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the second section of the act entitled "an act further to amend the act entitled 'an act to establish an asylum for the education of the deaf and dumb persons, and repealing all laws heretofore passed on the subject,'" passed March third, one thousand eight hundred and thirty four, as prohibits the trustees of the asylum for the deaf and dumb from admitting a greater number than twelve indigent pupils in said asylum in one year, at the expense of the state, be and the same is hereby repealed, and the trustees aforesaid are hereby authorized to admit suitable pupils, under the provisions of the several acts relating to the asylum for the deaf and dumb, as, in their discretion, they shall deem necessary and proper, and that the expenses of said pupils shall be paid by the state in the same manner as is now provided by law, commencing from the first of October, one thousand eight hundred and forty three.

SEC. 2. That the trustees of said asylum be and they are hereby authorized to continue in said institution, for a longer period than five years, such pupils as may, at the expiration of said five years, be too young to be safely discharged, or may receive material advantage by a longer residence, any thing in the act to which this is an amendment, to the contrary, notwithstanding, provided that this additional time shall in no case exceed the term of two years.

SEC. 3. That the trustees aforesaid be and they are hereby authorized to receive into said institution indigent persons, of suitable character, over the age of twenty years, on the same terms as other pupils, for the purpose of learning some trade or business which is taught therein, for the term of two years; and the trustees may continue those who have learned such trade and business so long as it shall be useful and profitable to such institution.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

February 3, 1844.

AN ACT

To make permanent certain transfers from general revenue to canal fund.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state be and he is hereby directed to make permanent the transfer of the sum of seven thousand two hundred and seventy five dollars, from the general revenue to revenue for public works, which amount was loaned to the canal fund commissioners, in the year one thousand eight hundred and forty two, for the payment of checks on the Wabash and Erie Canal.

SEC. 2. That the auditor of state be and he is hereby directed, in like manner, to make permanent the transfer of the sum of forty thousand dollars from the general revenue to canal fund, which amount was transferred on the first day of July, one thousand eight hundred and forty two, to aid in the payment of the interest on the public debt.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

THOMAS W. BARTLEY,

Speaker of the Senate.

February 3, 1844.

AN ACT

Fixing the times of holding the Supreme Court of Ohio, for the year 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Supreme Court shall be holden in the several counties in this State, at the times hereafter mentioned, to wit:

In the county of Columbiana, on the twenty sixth day of February;

In the county of Jefferson, on the twenty ninth day of February;

In the county of Belmont, on the fourth day of March;

In the county of Washington, on the seventh day of March;

In the county of Meigs, on the eleventh day of March;

In the county of Gallia, on the thirteenth day of March;

In the county of Lawrence, on the sixteenth day of March;

In the county of Scioto, on the eighteenth day of March;

In the county of Adams, on the twenty first day of March;

In the county of Brown, on the twenty fifth day of March;

In the county of Clermont, on the first day of April;

In the county of Hamilton, on the fourth day of April;

In the county of Butler, on the second of May;

In the county of Warren, on the sixth day of May;

In the county of Clinton, on the eighth day of May;

In the county of Highland, on the tenth day of May;
In the county of Fayette, on the thirteenth day of May;
In the county of Madison, on the sixteenth day of May;
In the county of Clark, on the eighteenth day of May;
In the county of Greene, on the twentieth day of May;
In the county of Montgomery, on the twenty third day of May;

In the county of Preble, on the twenty ninth day of May;
In the county of Darke, on the fifth day of June;
In the county of Miami, on the seventh day of June;
In the county of Shelby, on the tenth day of June;
In the county of Mercer, on the thirteenth day of June;
In the county of Allen, on the fifteenth day of June;
In the county of Hardin, on the seventeenth day of June;
In the county of Logan, on the nineteenth day of June;
In the county of Champaign, on the twenty first day of June;

In the county of Union, on the twenty fourth day of June;
In the county of Delaware, on the twenty fifth day of June;
In the county of Marion, on the twenty seventh day of June;

In the county of Crawford, on the twenty ninth day of June;

In the county of Seneca, on the first day of July;
In the county of Hancock, on the fourth day of July;
In the county of Putnam, on the sixth day of July;
In the county of Vanwert, on the eighth day of July;
In the county of Paulding, on the tenth day of July;
In the county of Williams, on the twelfth day of July;
In the county of Henry, on the fifteenth day of July;
In the county of Lucas, on the seventeenth day of July;
In the county of Wood, on the nineteenth day of July;
In the county of Ottawa, on the twenty second day of July;
In the county of Sandusky, on the twenty fourth day of July;

In the county of Erie, on the twenty seventh day of July;
In the county of Huron, on the first day of August;
In the county of Lorain, on the fifth day of August;
In the county of Cuyahoga, on the eighth day of August;
In the county of Geauga, on the sixteenth day of August;
In the county of Lake, on the nineteenth day of August;
In the county of Ashtabula, on the twenty second day of August;

In the county of Trumbull, on the twenty sixth day of August;

In the county of Portage, on the thirtieth day of August;
In the county of Summit, on the second day of September;
In the county of Medina, on the fifth day of September;
In the county of Wayne, on the seventh day of September;

In the county of Richland, on the twelfth day of September;

In the county of Knox, on the eighteenth day of September;
In the county of Licking, on the twenty fourth day of September;

In the county of Coshocton, on the twenty eighth day of September;

In the county of Holmes, on the thirtieth day of September;

In the county of Tuscarawas, on the second day of October;

In the county of Stark, on the ninth day of October;

In the county of Carroll, on the fourteenth day of October;

In the county of Harrison, on the sixteenth day of October;

In the county of Monroe, on the nineteenth day of October;

In the county of Guernsey, on the twenty second day of October;

In the county of Muskingum, on the twenty fifth day of October;

In the county of Morgan, on the first day of November;

In the county of Perry, on the fourth day of November;

In the county of Fairfield, on the sixth day of November;

In the county of Hancock, on the eleventh day of November;

In the county of Athens, on the fourteenth day of November;

In the county of Jackson, on the sixteenth day of November;

In the county of Pike, on the eighteenth day of November;

In the county of Ross, on the twentieth day of November;

In the county of Pickaway, on the twenty fifth day of November;

In the county of Franklin, on the twenty eighth day of November;

And the Court in Bank shall be holden on the sixth day of December; and the said Court is hereby authorized, when business shall require it, to continue its term, in any county, beyond the time allotted for holding Court in said county.

SEC. 2. That if the commencement of any term of said Court shall be on Sunday, such term shall commence on the next day thereafter.

SEC. 3. That the act passed January eleventh, in the year one thousand eight hundred and forty three, entitled "an act fixing the times of holding the Supreme Court of Ohio for the year one thousand eight hundred and forty three," is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

February 12, 1844.

AN ACT

To amend the act entitled "An act fixing the times of holding the Supreme Court," for the year 1844.

Whereas, by a clerical error in the forty eighth line of the act entitled "An act fixing the times of holding the Supreme Court in the State of Ohio," the word "Hancock" was inserted by the engrossing clerk, instead of the word "Hocking;" therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Supreme Court shall be held in the county of Hocking, on the eleventh day of November, one thousand eight hundred and forty four.

SEC. 2. That so much of said act as conflicts with this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

THOMAS W. BARTLEY,
Speaker of the Senate.

February 15, 1844.

AN ACT

Fixing the times of holding the Court of Common Pleas.

FIRST CIRCUIT.

Courts for first circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Court of Common Pleas shall be held in the first circuit, in the county of Preble, on the fourth Monday of March, on the third Monday of June, and the first Monday of October; in the county of Miami, on the second Monday of March, the fourth Monday of July, and the third Monday of October; in the county of Montgomery, on the second Monday of April, the first Monday of August, and the third Monday of December; in the county of Mercer, on the fifth Monday of April, the fourth Monday of August, and the first Monday of November; in the county of Shelby, on the first Monday of May, the first Monday of September, and the second Monday of November; in the county of Darke, on the second Monday of May, the second Monday of September, and the third Monday of November.

SECOND CIRCUIT.

Second circuit.

SEC. 2. That the Court of Common Pleas shall be held in the second circuit as follows: In the county of Huron, the twenty sixth day of February, the twenty fourth day of May, and the sixteenth day of September; in the county of Erie, on the seventh day March, the third day of June, and the twenty

sixth day of September; in the county of Ottawa, on the thirteenth day of June, and the fourteenth day of October; in the county of Sandusky, on the eighteenth day of March, the seventeenth day of June, and the seventeenth day of October; in the county of Crawford, on the twenty fifth day of March, the twenty fifth day of July, and the twenty eighth day of October; in the county of Seneca, on the first day of April, the twenty fourth day of June, and the fourth day of November; in the county of Marion, on the eleventh day of April, the second day of August, and the eighteenth day of November.

THIRD CIRCUIT.

SEC. 3. That the Court of Common Pleas shall be held in the third circuit, in the county of Summit, on the thirteenth day of February, the twenty first day of May, and the seventeenth day of September; in the county of Portage, on the fifth day of March, the eleventh day of June, and the first day of October; in the county of Ashtabula, on the nineteenth day of March, the twenty fifth day of June, and the fifteenth day of October; in the county of Trumbull, on the second day of April, the second day of July, and twenty ninth day of October. Third circuit.

FOURTH CIRCUIT.

SEC. 4. That the Court of Common Pleas shall be held in the fourth circuit, in the county of Muskingum, on the twenty sixth day of February, the twenty fifth day of June, and the twenty third day of September; in the county of Perry, on the first day of April, the tenth day of June, and the second day of September; in the county of Coshocton, on the eighteenth day of March, the seventeenth day of June, and the fourteenth day of October; in the county of Licking, on the twenty seventh day of May, the twelfth day of August, and the fourth day of November. Fourth circuit.

FIFTH CIRCUIT.

SEC. 5. That the Court of Common Pleas shall be held in the fifth circuit, in the county of Tuscarawas, on the second Monday of March, the second Monday of June, and the second Monday of October; in the county of Carroll, on the twenty ninth day of April, the first Monday of August, and the second Monday of November; in the county of Columbiana, on the first Tuesday of April, the third Monday of August, and the fourth Monday of October; in the county of Stark, on the third Monday of April, the first Monday of September, and the third Monday of November. Fifth circuit.

SIXTH CIRCUIT.

SEC. 6. That the Court of Common Pleas in the sixth circuit, shall be held in the county of Pike, on the eighth day of April, the tenth day of June, and the ninth day of September; in the county of Jackson, on the first day of April, the third day of June, and the sixteenth day of September; in the county of Hocking, on the twenty fifth day of March, the Sixth circuit.

twenty seventh day of May, and twenty third day of September; in the county of Ross, on the fifteenth day of April, the seventeenth day of June, and the thirtieth day of September; in the county of Fairfield, on the fourth day of March, the thirteenth day of May, and the fourteenth day of October; in the county of Pickaway, on the twenty ninth day of April, the first day of July, and the fourth day of November.

SEVENTH CIRCUIT.

Seventh circuit. SEC. 7. That the Court of Common Pleas in the seventh circuit, shall be held in the county of Greene, on the second Monday in March, the second Monday in June, and the first Monday in October; in the county of Butler, on the third Monday of February, the third Monday of May, and the third Monday of September; in the county of Warren, on the second Monday of April, the first Monday of August, and the second Monday of November; in the county of Clinton, on the fourth Monday of March, the fourth Monday of July, and the fourth Monday of October.

EIGHTH CIRCUIT.

Eighth circuit. SEC. 8. That the Court of Common Pleas in the eighth judicial circuit, shall be held the first term in each year, as follows: In the county of Athens, on the last Monday of February; in the county of Washington, on the last Monday of March; in the county of Scioto, on the second Thursday thereafter; in the county of Lawrence, on the second Monday thereafter; in the county of Gallia, on the next succeeding Monday; in the county of Meigs, on the next succeeding Monday; and in the county of Morgan, on the next succeeding Monday. That the second term of said court in said circuit, shall be held in each year as follows: in the county of Athens, on the third Monday of May; in the county of Washington, on the next succeeding Monday; in the county of Scioto, on the next succeeding Monday; in the county of Lawrence, on the next succeeding Monday; in the county of Gallia, on the next succeeding Monday; in the county of Meigs, on the next succeeding Monday; and in the county of Morgan, on the third Monday thereafter. That the third term of said court in said circuit, shall be held in each year as follows: in the county of Athens, on the first Monday in September; in the county of Washington, on the second Thursday thereafter; in the county of Scioto, on the second Thursday thereafter; in the county of Lawrence, on the second Monday thereafter; in the county of Gallia, on the next succeeding Monday; in the county of Meigs, on the next succeeding Monday; and in the county of Morgan, on the first Monday in November.

TENTH CIRCUIT.

Tenth circuit. SEC. 9. That the Court of Common Pleas in the tenth circuit, shall be held in the county of Adams, on the first Tuesday of March, the second Tuesday of July, and the second Tuesday of September; in the county of Highland, on the

second Tuesday of March, the third Tuesday of July, and the third Tuesday of September; in the county of Fayette, on the fourth Tuesday of March, the fifth Tuesday of July, and the first Tuesday of October; in the county of Clermont, on the second Tuesday of April, the first Tuesday of August, and the second Wednesday of October; in the county of Brown, on the third Tuesday of April, the third Tuesday of August, and the fifth Tuesday of October.

ELEVENTH CIRCUIT.

SEC. 10. That the Court of Common Pleas in the eleventh circuit, shall be held in the county of Holmes, on the twenty sixth day of February, the thirteenth day of May, and the ninth day of September; in the county of Medina, on the eleventh day of March, the twenty third day of May, and the twenty third day of September; in the county of Wayne, the eighteenth day of March, the third day of June, and the seventh day of October; in the county of Knox, the first day of April, the seventeenth day of June, and the twenty first day of October; in the county of Richland, the fifteenth day of April, the twelfth day of August, and the fourth day of November.

Eleventh circuit.

TWELFTH CIRCUIT.

SEC. 11. That the Court of Common Pleas in the twelfth circuit, shall be held in the county of Franklin, on the twentieth day of February, the twentieth day of May, and the twelfth day of November; in the county of Clark, on the twelfth day of March, the fourth day of June, and the twenty ninth day of October; in the county of Champaign, on the fifteenth day of March, the seventh day of June, and the fifteenth day of October; in the county of Delaware, on the second day of April, the twenty first day of June, and the seventeenth day of September; in the county of Union, on the sixteenth day of April, the second day of July, and the first day of October; in the county of Logan, on the nineteenth day of April, the sixth day of July, and the fourth day of October; and in the county of Madison, on the twenty sixth day of April, the sixteenth day of July, and the fifth day of November.

Twelfth circuit.

THIRTEENTH CIRCUIT.

SEC. 12. That the Court of Common Pleas in the thirteenth circuit, shall be held in the county of Wood, on the twenty fifth day of March, the tenth day of June, and the twenty first day of October; in the county of Lucas, on the first day of April, the seventeenth day of June, and the twenty eighth day of October; in the county of Henry, on the sixteenth day of April, and the third day of September; in the county of Williams, on the twenty second day of April, and the ninth day of September; in the county of Paulding, on the twenty ninth day of April, and the sixteenth day of September; in the county of Putnam, on the first day of May, and on the eighteenth day of September; in the county of Vanwert, on the

Thirteenth circuit.

eight day of May, and on the twenty fifth day of September; in the county of Allen, on the thirteenth day of May, and the thirtieth day of September; in the county of Hardin, on the twentieth day of May, and the ninth day of October; and in the county of Hancock, on the twenty seventh day of May, and on the fourteenth day of October:

FOURTEENTH CIRCUIT.

Fourth circuit

SEC. 13. The Court of Common Pleas in the fourteenth circuit, shall be held in the county of Lorain, on the sixth day of February, the first day of May, and the tenth day of September; in the county of Lake, on the twelfth day of March, the eleventh day of June, and the eighth day of October; in the county of Geauga, on the twenty sixth day of March, the twenty fifth day of June, and the twenty second day of October.

FIFTEENTH CIRCUIT.

Fifteenth circuit.

SEC. 14. That the Court of Common Pleas in the fifteenth circuit, shall be held in the county of Belmont, on the eleventh day of March, the third day of June, and the ninth day of September; in the county of Monroe, on the first day of April, the twenty fourth day of June, and the thirtieth day of September; in the county of Guernsey, on the fifteenth day of April, the twenty ninth day of July, and the fourteenth day of October; in the county of Harrison, on the sixth day of May, the twelfth day of August, and the twenty eighth day of October; in the county of Jefferson, on the twentieth day of May, the twenty sixth day of August, and the eighteenth day of November.

Term may be continued.

SEC. 15. That if the court in any county of any circuit, shall not have finished its business before the time fixed for holding the court in any other county of the same circuit, the court may continue its term for the purpose of transacting probate and testamentary business, granting letters of guardianship, licenses for taverns and ferries, and for return of process.

Provision in regard to Sunday.

SEC. 16. That if any of the days fixed by this act for the commencement of any of said courts, shall be Sunday, such term shall commence on the next Monday thereafter; and that from and after the passage of this act the said courts shall annually be held, as by this act directed, until otherwise altered by law.

Writs how to be returned.

SEC. 17. That in all cases where writs of fieri facias et levari facias, venditioni, or orders of sale in chancery, are in the hands of any sheriff, or other officer, at the time of the passage of this act, and there is not sufficient time to return said writs by the second day of the term of any court, as fixed by this act, the said sheriff or other officer, may return said writs any time during the sitting of said court; and all sales and other proceedings had under and by virtue of said writs, shall have the same force and validity as if said sales had been made, and said writs returned, by the second day of the term of said court.

SEC. 18. That so much of the act fixing the times for holding the Court of Common Pleas, passed February second, in the year one thousand eight hundred and forty three, and all acts amendatory thereof, so far as they conflict with the provisions of this act, be and the same are hereby repealed, provided that this repeal shall not extend to so much of said act as relates to the time of holding the first term of the court in Lorain county. Act repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

February 13, 1844.

AN ACT

To regulate the times of holding the Court of Common Pleas in the county of Cuyahoga.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the Court of Common Pleas for the county of Cuyahoga, until otherwise provided by law, shall be held on the third Wednesday in February, the third Tuesday in May, the fourth Tuesday in August, and the first Tuesday in November, provided that said August term shall not be considered a term of said court for other than criminal and probate business. Cuyahoga county.

SEC. 2. That the clerk of said court, at the times, and in the manner prescribed by law, shall issue to the sheriff of said county a venire facias, commanding him to summons the persons whose names shall be drawn, as provided by law for grand jurors, for the February, May, and November terms of said court, to attend as such grand jurors at the seat of justice of said county, on the second Monday of said terms, respectively, at ten o'clock, A. M., provided that it shall be the duty of said clerk, at least ten days before the next term of said court, to issue a venire facias, de novo, for the attendance as prescribed in the second section of this act, of the persons whose names have already been drawn for grand jurors at the next term of said court; and the sheriff of said county is hereby required to serve the same at any time before the first day of the term last aforesaid. Clerk to issue venire.

SEC. 3. That all recognizances which have been entered into for the appearance of witnesses in criminal cases, at the next term of said court, shall be construed to be for their appearance on the second Monday of said term, and all recognizances hereafter taken for the appearance of witnesses in criminal cases at the February, May, and November terms of said court, shall require such appearance on the second Monday of said terms respectively. Recognizances, how to be construed.

Act repealed.

SEC. 4. That so much of an act passed February ninth, one thousand eight hundred and thirty one, entitled "an act relating to juries," as makes it the duty of said clerk of the court of Common Pleas of said county of Cuyahoga to issue a venire facias for the attendance of the grand jury of said county, on the first day of the February, May and November terms of said court; and when so much of the "act fixing the times of holding the Court of Common Pleas," passed February second, in the year one thousand eight hundred and forty three, and all the acts amendatory thereto, as conflict with this act, be and the same are hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

THOMAS W. BARTLEY,

Speaker of the Senate.

February 12, 1844.

AN ACT

To amend an act entitled "An act for opening and regulating roads and highways," passed March 14, 1831.

County road,
when establish-
ed, width to be
recorded.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of any county in this state shall be authorized, when they shall establish any county road, to cause to be entered on their records the width such road shall be opened, provided such road shall not be opened less than forty, nor more than sixty feet.

Viewers to re-
port as to width
of road.

SEC. 2. That whenever the commissioners of any county shall direct viewers to examine and report on any county road proposed to be established, they shall direct the viewers to report whether the public convenience require that such road shall be sixty feet in width; and if said viewers shall be of opinion that a county road should be established, and that a road of less width than sixty feet will as well promote the public convenience, they shall report the width which, in their opinion, such road should be established and opened, but no county road shall be opened less than forty feet in width; provided, also, that it shall be lawful for the county commissioners of any county in this state, upon notice being given, as is required in the act to which this is an amendment, and on petition being presented to them for lessening or reducing the width of any county road in this state, already laid out and established, if the commissioners shall deem it just and proper so to do after actual view, to reduce the width of any such county road to any width not less than forty feet, and shall order the county auditor to make a record of the same.

County road not
to be less than
forty feet wide.

When commis-
sioners may re-
duce width of
county road.

SEC. 3. That so much of an act entitled "An act for opening and regulating roads and highways," passed March fourteen, one thousand eight hundred and thirty one, as requires that all county roads shall be sixty feet in width, be and the same is hereby repealed; that nothing in this act shall be so construed as to apply to the counties of Hardin, Allen, Vanwert, Putnam, Paulding, Williams, Henry and Lucas.

Repealing clause.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

February 15, 1844.

AN ACT

To amend the act entitled "An act to incorporate the Bank of Wooster," passed February 14, 1834, and to repeal so much of the 19th section of the act entitled "an act to amend the act entitled 'an act to regulate Banking in Ohio,'" passed February 21, 1843, as relates to said Bank of Wooster, and for other purposes.

Whereas, the stockholders of the Bank of Wooster have presented their petition to this General Assembly, setting forth their inability to transact business under the present restrictive laws relating to banking in this state, and praying to be restored to their original rights and privileges under their charter, subject, nevertheless, to the condition of individual and personal liability of the stockholders. And, whereas, said stockholders would be greatly injured in the settlement of the affairs of said bank if the time for the settlement thereof is not extended; therefore—

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the first day of March, in the year one thousand eight hundred and forty four, and until the first day of June, in the year one thousand eight hundred and fifty, the president, directors and company of the Bank of Wooster shall be entitled to use, exercise and enjoy all the rights, privileges and immunities granted to them, by the act entitled "an act to incorporate the Bank of Wooster," passed February fourteen, one thousand eight hundred and thirty four, provided that each and all the stockholders of said bank do signify their assent to the liability mentioned in the second section of this act, by filing their written declaration thereof with the auditor of state, on or before the first day of March, one thousand eight hundred and forty four; and provided, also, that said bank shall be subject to the other qualifications and restrictions hereinafter contained.

Extending the charter until 1850.

Stockholders to signify their assent to liability;

—Written declaration to be filed with the Auditor of State;

SEC. 2. That from and after the first day of March, in the year one thousand eight hundred and forty four, the stockholders of said Bank of Wooster shall be severally liable in their

—To be individually liable for all claims;

individual and private capacity for each and every valid claim against said bank, except in cases where depositors and said bank shall otherwise agree.

—Except when.
Board of directors. SEC. 3. The board of directors of said bank shall consist of not less than nine nor more than thirteen members, at the discretion of the stockholders.

Punishment for embezzlement, &c. SEC. 4. If any president, director, trustee, cashier, or other officer, clerk or agent of said bank, shall embezzle or fraudulently convert to his own use, or shall fraudulently take or secrete any effects or property, or commit any breach of trust with intent to convert to his own use, or the use or benefit of any other person, any effects or property belonging to said bank or deposited therein, he shall be liable to a prosecution of indictment, and, upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor not more than ten years nor less than one year.

Repealing the 19th section of the general banking law. SEC. 5. That whenever the stockholders of the Bank of Wooster shall have complied with the provisions of the first section of this act, then so much of the nineteenth section of the act entitled "an act to amend the act entitled 'an act to regulate banking in Ohio,' " passed February twenty one, one thousand eight hundred and forty three, as relates to the Bank of Wooster, shall be deemed as hereby repealed.

Loans—limitations to stockholders and directors. SEC. 6. That it is unlawful for said bank to loan or discount to any stockholder or director, upon any note or evidence of debt, or to permit any stockholder or director to become liable in any form to the bank, to a greater amount than one half the capital stock of such stockholder or director, actually possessed by him; provided, that nothing herein contained shall be so construed as to prevent said bank from buying and selling, bona fide, bills of exchange at the market value.

— Sell, bona fide, bills of exchange. SEC. 7. That said Bank of Wooster shall be required to have and keep in the vaults thereof, as the actual property of said bank, an amount of gold or silver coin equal to one dollar for every three dollars of its circulation; and in case it shall so happen that said bank by the redemption of its notes, and the payment of its immediate liabilities, in gold or silver coin, shall violate so much of this section as relates to the proportion of its specie and circulation, it shall be unlawful for the directors of said bank, from the time such disproportion occurs to discount any note, bill, bond or other security, or in any manner pay out or put in circulation any of the circulating notes of said bank until the legal proportion of circulation and gold and silver coin shall be regained; and all such discounts made in violation of the provisions of this section shall be considered and held to all intents and purposes void; and the directors consenting to such violation shall be liable, jointly and severally in their individual capacities to said bank, for all damages arising to said bank for such violation; provided, that funds on deposit in Philadelphia, New York or Boston, subject to sight drafts by said bank, shall be deemed equivalent to gold and silver coin.

Penalty for excess of circulation.

Funds on deposit equivalent to gold and silver coin.

ver coin in the vaults thereof, so far as it regards the amount of circulation.

SEC. 8. That the Lafayette Bank of Cincinnati, and the Bank of Xenia, shall be entitled to use, exercise and enjoy all the rights, privileges and immunities granted to them by their respective charters, on the same conditions that the like privileges and immunities are hereby granted to the Bank of Wooster, and subject to the same qualifications and restrictions as are by this act imposed upon the said Bank of Wooster.

Lafayette Bank of Cincinnati and Bank of Xenia, entitled to all the rights and privileges granted to the Bank of Wooster

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

THOMAS W. BARTLEY,

Speaker of the Senate.

February 15, 1844.

AN ACT

To reduce the compensation of members of the General Assembly, and certain other State and County Officers, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That each member of the senate and house of representatives shall be entitled to receive, as compensation for his services, during the present and every future session of the general assembly, two dollars for every day's attendance as such member, and also two dollars for every twenty five miles of travel by the usual route in coming from his place of residence to and returning from the seat of government.

Compensation of members of general assembly.

SEC. 2. That the compensation of the principal clerks, and of the assistant clerks, shall be two dollars per day each, and the compensation of the recording and enrolling clerks, and such other clerks as may be employed, shall be at such rate as the chief clerk may agree on, not exceeding two dollars per day.

Clerks.

SEC. 3. That the compensation of the sergeant-at-arms and doorkeepers, together with their assistants, shall be two dollars per day each.

Sergeant-at-arms.

SEC. 4. That it shall be the duty of the sergeant-at-arms of each branch of the general assembly, to preserve carefully all the unused and refuse stationery, candles, and other articles furnished for the use of the members and officers of such branch, and to faithfully account for the same to the secretary of state, at the end of the session of the general assembly, and take the said secretary's receipt therefor, which receipt he shall produce to the speaker of the senate, or house of representatives, as the case may be, before his account for services shall be audited or paid, and the secretary shall retain in his office all of said articles so returned by him, which may answer for the use of a future general assembly, and shall sell

Refuse stationery to be preserved in the secretary's office.

the rest to the best advantage, and pay the money received therefor into the state treasury, taking duplicate receipts for the same, one of which receipts he shall retain himself and deposit the other with the auditor of state, who shall, thereupon charge the treasurer with the amount thereof.

**Salary of gov-
ernor.** SEC. 5. That the annual salary of the governor of this state, shall, after the expiration of the present incumbent's term, be one thousand dollars.

**Secretary of
state.** SEC. 6. That the secretary of state shall be entitled to receive for his services the sum of five hundred dollars annually; and that all fees and perquisites, now allowed by law, shall be by him paid into the state treasury for the use of the state.

Auditor of state: SEC. 7. That the auditor of state shall be entitled to receive for his services the sum of seven hundred and thirty dollars annually.

**Treasurer of
state.** SEC. 8. That the treasurer of state shall be entitled to receive for his services the sum of seven hundred and thirty dollars annually.

**Chief clerk in
auditor's office.** SEC. 9. That the chief clerk in the auditor's office shall be entitled to receive for his services the sum of six hundred dollars annually, and no more.

**Judges of su-
preme court.** SEC. 10. That the judges of the supreme court, hereafter elected, shall be entitled to receive for their services, each, the sum of one thousand dollars annually.

President judges. SEC. 11. That the president judges of the courts of common pleas and superior courts of Cincinnati, hereafter elected, shall each be entitled to receive for their services the sum of seven hundred and thirty dollars annually.

Clerks. SEC. 12. That no clerk shall be employed in the office of secretary of state, auditor of state, or treasurer of state, (except the chief clerk in the auditor's office,) at a greater yearly salary than three hundred dollars.

**Board of public
works.** SEC. 13. That the acting members of the board of public works shall each be entitled to receive for his services the sum of seven hundred and thirty dollars per annum.

**Acting commis-
sioner of canal
fund.** SEC. 14. That the acting commissioner of the canal fund shall be entitled to receive for his services the sum of six hundred and sixty six dollars annually.

**Collectors of ca-
nal tolls and in-
spectors.** SEC. 15. That the collectors of canal tolls, and inspectors of the canals of this state, shall be entitled to such compensation as shall be allowed by the board of public works, not exceeding two thirds of the amount now allowed by said board to said collectors and inspectors respectively.

**Resident engi-
neers.** SEC. 16. That the resident engineers on the public works of this state, shall be entitled to receive for their services, the sum of six hundred and sixty six dollars annually, and the assistant engineers on said works shall each receive the sum of four hundred and twenty six dollars annually.

**Superintendent
of the National
Road.** SEC. 17. That the superintendent of the National Road shall be entitled to receive for his services the sum of seven hundred and thirty dollars annually.

SEC. 18. That the warden of the penitentiary shall receive, annually, for his services, a sum not exceeding eight hundred dollars, to be allowed and paid out of the state treasury, on the order of the directors of the penitentiary; and the warden may employ assistants or guards, not more than twenty in number, at a compensation not exceeding twenty five dollars per month, and the office of deputy warden is hereby abolished. The warden of the penitentiary shall not appropriate any convict labor to his own private use, without accounting to the state therefor.

Warden of the Ohio penitentiary, his salary; may employ assistant guards, etc.

SEC. 19. That the superintendent of the asylum for the blind shall be allowed such sum for his services as the trustees of the asylum may deem just and reasonable, not exceeding seven hundred dollars per annum.

Compensation of the superintendent of blind asylum;

SEC. 20. That the superintendent of the deaf and dumb asylum shall receive for his services a sum not exceeding six hundred dollars annually.

—Deaf and dumb asylum;

SEC. 21. That the officers of the state lunatic asylum shall receive, annually, the following compensation for their services, to be paid as heretofore provided by law; the superintendent, one thousand dollars; the assistant physician, five hundred dollars; the steward, four hundred dollars; and the matron, three hundred dollars.

—Officers of lunatic asylum;

SEC. 22. That the quartermaster general, and Adjutant General, shall hereafter receive for their services, annually, the sum of one hundred dollars each.

— Quartermaster and adjutant generals.

SEC. 23. The bank commissioners shall hereafter receive for their services, during the time actually employed in the discharge of their official duties, two dollars per day, but no allowance shall be made to them for mileage or expenses.

—Bank commissioners;

SEC. 24. The chief clerk of the board of public works shall not hereafter receive a greater compensation for his services than five hundred dollars per annum.

—Clerk of public works;

SEC. 25. The secretary to the governor shall not hereafter receive for his services, annually, more than four hundred dollars.

—Secretary of governor;

SEC. 26. The secretary to the fund commissioners shall not hereafter receive for his services more than four hundred dollars annually.

—Secretary of fund commissioners;

SEC. 27. That each and every associate judge of the court of common pleas, in this state, shall receive for his services the sum of two dollars for each day he shall attend court, including the time in traveling to and returning from court, which attendance shall be certified by the clerk and paid out of the treasury of the proper county, upon the order of the county auditor.

— Associate judges;

SEC. 28. That each county commissioner shall be allowed the sum of two dollars per day for his services, to be paid out of the county treasury on the order of the county auditor.

— County commissioners;

SEC. 29. That the amount paid any county auditor for his services, any one year, shall not exceed the sum of seven

— Auditor;

hundred and thirty dollars, except in the county of Hamilton, and in this amount is to be included all fees for transfers upon the duplicate, and other services pertaining to said office.

—Recorder; SEC. 30. The annual salary of a county recorder, shall not exceed five hundred dollars in any county in this state, except the county of Hamilton.

—Treasurer; SEC. 31. The annual salary of a county treasurer shall not exceed six hundred dollars in any county in this state, exclusive of expenses in going to and returning from the seat of government to settle with the treasurer of state, except in the county of Hamilton, and if, upon settlement of any county treasurer with the county commissioners, it shall be found that the compensation or percentage, now allowed him by law, amounts to more than his annual salary, the excess shall be retained by him in the county treasury, and passed to the credit of the county.

Hamilton county
excepted.

—Sheriffs; SEC. 32. That the annual salary of the sheriffs of the several counties in this state, shall not exceed the sum of seven hundred and thirty dollars; provided that the county commissioners of any county may appropriate and order to be paid out of such portion of the fees which have been paid into the county treasury by the sheriff of such county, under the provisions of this act, such sums as they may think just and proper for the payment of such deputies of the said sheriffs as may be found necessary to transact the business and duties appertaining to his office.

—Clerks of
Courts;

SEC. 33. That the several clerks of the court of common pleas and supreme court in this state, out of such fees and compensations as may be allowed by law, shall be permitted to appropriate to their own use the first seven hundred dollars; provided said clerks may employ any number of deputies which may be considered necessary by their respective courts, for the performance of the business, at a compensation not exceeding three hundred dollars each, per annum, to be paid out of the fees of his said office, after deducting the compensation above mentioned.

No officer ap-
pointed under
the laws of the
state to be paid
over \$2 per day.

Excess to be
paid into county
treasury.

Hamilton county
excepted.

SEC. 34. That all other officers, not herein enumerated, holding appointments under the laws of this state, who receive compensation for their services by fees taxed at the time of service, and whose fees shall amount to more than two dollars per day, shall make, semi annually, a return to the auditor of the proper county, at the time and in the manner pointed out in the thirty fifth section of this act, regulating clerks, &c., of all fees by them received, and any excess over and above the sum of two dollars per day, while actually employed, shall be paid over into the treasury of the proper county, for the use of said county; provided nothing in this section contained, shall be construed to extend to officers elected by joint ballot of the general assembly, and provided that the provisions of this section shall not be construed to extend to the county of Hamilton.

Sec. 35. That each county auditor, county recorder, sheriff and clerk of common pleas shall, after the first day of June next ensuing the passage of this act, keep in his respective office a cash book, in which he shall charge himself with all the items of money received, or payments made to him for fees, costs, allowances, percentage, or in any manner whatsoever as such officers; with the name of the person from whom, and the time when, such money was received, or payment made, and for what services, which book shall be at all times subject to the inspection of the county commissioners; and it shall be the duty of the said auditor, recorder, sheriff and clerk, to present their said cash books, verified by their respective written affidavits thereto, to the commissioners of their county, at the regular session of said commissioners, on the first Monday of June of each year, for the purpose of being audited and settled; and the said commissioners shall carefully examine the cash books so presented, and if they shall be satisfied that the same are correct in every particular, they shall ascertain and determine what balance, if any, remains in the hands of such officers, after deducting the amount due them for services, according to the maximum of salary as hereinbefore provided by this act, and the balance thus ascertained shall be paid by the officer in whose hands it may be found, into the county treasury, within ten days after such settlement, and the officer making such payment shall take duplicate receipts therefor from the treasurer, one of which he shall retain, and the other file with the auditor of the county, who shall charge the treasurer therewith; after such settlement, the cash books, verified by affidavits as before provided, shall remain and be preserved in the auditor's office, as part of the public records of the county, provided that nothing herein contained shall be so construed as to require any officer in this section named, to account for any money received, for any fees or costs actually due prior to the first of June next, for services performed prior to that time.

County auditor, sheriff and clerk to keep a cash book.

Subject to inspection of commissioners.

Sec. 36. That if any auditor, recorder, sheriff, or clerk, shall, after settlement with the commissioners, neglect or refuse to pay over to the treasurer the balance in his hands, after deducting the amount of his salary, within the time provided by the thirty fifth section of this act, he shall thereby forfeit his office, and be forever after disabled from holding any office, of trust or profit under the laws of this state; and said office shall be immediately filled by the appointment of another person thereto, in the manner now provided by law for filling any such vacancy.

Penalty for neglect of duty.

Sec. 37. It shall be the duty of the county commissioners of each county in this state, after settlement with the county auditor, recorder, sheriff, and clerk, as provided in the thirty fifth section of this act, forthwith to furnish the county treasurer with an abstract of such settlement, and the said county

Duty of county commissioners.

treasurer, after the expiration of the ten days limited for payment to him of any balance found due from any county auditor, recorder, sheriff, or clerk, in case such balance shall not be paid at the time limited, shall forthwith notify the county commissioners of such failure, and publish the same in some newspaper having general circulation in his county; and the said commissioners, after receiving such notice, shall forthwith cause to be instituted, against such delinquent officer and his sureties, a suit on his official bond for the recovery of the balance remaining in his hands, with interest, and ten per cent. penalty thereon; which suit may be brought in any court having competent jurisdiction.

Penalty for false report.

SEC. 38. If any auditor, recorder, sheriff, or clerk, shall make a false report in his cash book to the county commissioners, or shall make any false entry therein, with intent to deceive said commissioners, and defraud the county, or, shall neglect to make any entry of fees received, he shall be deemed guilty of a misdemeanor, and, upon indictment and conviction therefor, in the court of common pleas of the proper county, shall be fined in any sum not exceeding five hundred dollars nor less than one hundred, and be imprisoned in the dungeon of the county jail for a term not exceeding thirty days, at the discretion of the court.

Duty of county auditors to advertise for sealed proposals.

SEC. 39. It shall be the duty of each county auditor in this state, in every county, where more than one newspaper shall be regularly published, prior to the publication by him of the exhibit of receipts and expenditures of the county, as required by law, and prior to the publication of the delinquent list of lands, defaulted for nonpayment of taxes, and prior to the publication of the list of lands forfeited to the state for nonpayment of taxes, to advertise in some newspaper published in his said county, for the period of twenty days before the time when, by law, the said several publications are required to be made, that he will receive at his office sealed proposals for the printing of said exhibit and lists, and, at the expiration of the said twenty days, he shall publicly open and read the sealed proposals, if any, so received by him, in the presence and hearing of the persons making the same, and, after the same shall be so opened and read, he shall let the contract for publishing said exhibit and lists, to the lowest bidder therefor, who is the regular publisher of a newspaper in said county, and no extra allowance or price, beyond the sum so bid, shall be allowed or paid by said auditor, under any pretence whatever.

Contract for publishing to be let to the lowest bidder.

Moneys to be paid into county treasury:

SEC. 40. That it shall be the duty of the county commissioners to apply all moneys paid into the county treasury, under the provisions of this act, to county purposes, and to no other purpose whatever.

County of Hamilton excepted.

SEC. 41. That so much of this act as relates to county officers shall not apply to the county of Hamilton.

SEC. 42. That from and after the passage of this act no docket fee shall be charged or taxed in a bill of costs in any case of law or chancery in any of the courts of this state. No docket fee to be charged:

SEC. 43. That all laws conflicting with the provisions of this act, be and the same are hereby repealed.

SEC. 44. That this act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

January 27, 1844.

AN ACT

Further to amend the act entitled "an act prescribing the duties of County Auditors," passed March 23, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditors of the several counties in this State shall cause the list of delinquent lands, in their respective counties, to be published at least four weeks between the third Monday of November and the first Monday in January, in some newspaper printed in their respective counties, if any be printed therein, and if none be printed therein, then in some newspaper having general circulation in such county, to which list there shall be attached a notice that the whole of the several tracts, or town lots in said list contained, or so much thereof as will be necessary to pay the taxes, interest and penalty charged thereon, will be sold at the court house, in such county, on the second Monday of January next thereafter, by the county treasurer, unless such taxes, interest and penalty be paid before that time. Auditor to cause list of delinquent lands to be published four weeks, &c.;

SEC. 2. That immediately before advertising such list of delinquent lands and lots, it shall be the duty of the county auditor to compare the same with the duplicate in the hands of the county treasurer, and strike therefrom all land or town lots upon which the taxes, interest and penalty of the preceding year, with the taxes of the current year, shall have been paid, and proceed to advertise the remainder, as herein provided. —and county treasurer to sell so much as will pay the taxes, &c.;

SEC. 3. That the thirtieth section of the act entitled "an act prescribing the duties of county auditors," passed March twenty three, one thousand eight hundred and forty, and so much of the twenty ninth section of the same act as conflicts with the provisions of this act, be and the same is hereby repealed. —To compare list with the duplicate.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

February 24, 1844.

AN ACT

To regulate the Fees of Attorneys and Counsellors at Law.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall not be lawful for the county auditor of any county in this state, to audit or allow any account, bill or claim hereafter presented by any attorney or counsellor at law, for services performed under the provisions of the fourteenth section of the act entitled "an act directing the mode of proceeding in criminal cases," until said account, bill or claim, shall have been examined and allowed by the county commissioners of the proper county, and the amount so allowed for such services certified by said county commissioners.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 4, 1844.

AN ACT

Explanatory of the fifth clause of the first section of the act entitled "an act to amend an act entitled an act to regulate Judgments and Executions at Law," passed March 9, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fifth clause of the first section of the act entitled "an act to amend an act to regulate judgments and executions at law," passed March 9, 1840, shall be so construed as to authorize the execution debtor, if he be engaged at the time in the business of agriculture, to select as "tools and implements necessary for carrying on his trade or business," one work horse or mare, or one yoke of work oxen, with the necessary gearing for the same, and if said judgment debtor be actually engaged at the time in the practice of medicine and surgery, he shall be entitled to select as above, one horse or mare, and one saddle and bridle; also, medicines, instruments and books, pertaining to his profession, not exceeding in value the sum of fifty dollars.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 4, 1844.

AN ACT

To amend the act entitled "An act for the relief of insolvent debtors."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the certificate of the commissioner of insolvents and of the court of common pleas, authorized to be given to applicants for the benefit of the act to which this is an amendment, shall not protect the person of the applicant from arrest or imprisonment for any debt or demand that has, or may accrue for money or property received while acting as a public officer, executor, administrator, guardian, or, while acting in any other fiduciary character.

Certificate shall not protect applicant from arrest for any debt accruing while acting as a public officer, &c.

SEC. 2. That all nonresident applicants for the benefit of the act to which this is an amendment, shall give bond with surety to the acceptance of the commissioner, in any sum not less than the amount of the debt for which he is in custody, conditioned as is provided in said act.

Nonresident applicant to give bond.

SEC. 3. That the commissioner of insolvents may give to the applicant for the benefit of the act to which this is an amendment, who is at the time of such application a resident of the county where such application is made, and being in actual custody of an officer on mesne or final process, such certificate as is provided for in the act to which this is an amendment, without requiring any bond of such applicant, provided the commissioner shall be satisfied that the applicant has delivered up all his money and property, or that the applicant has committed no fraud by disposing of any money or property, or that the application has not been made for the purpose of enabling the applicant to remove his body out of the jurisdiction of the court where said application is made, or the commissioner may, in his discretion, require the applicant to give bond with surety, agreeably to the provisions of the act to which this is an amendment, in any sum not exceeding the amount of the debt or demand for which said applicant may be in custody.

No bond required of resident;

—unless in case of fraud.

SEC. 4. That so much of the act entitled "an act for the relief of insolvent debtors," passed March 12, 1831, as is contrary to the provisions of this act, be and the same is hereby repealed.

Part of former act repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 4, 1844.

AN ACT

Further to provide for the collection of costs in criminal cases.

Clerk to deliver execution to sheriff immediately upon passage of sentence.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases of conviction of any person of any crime, the punishment whereof is imprisonment in the penitentiary, it shall be the duty of the clerk of the court, in which such conviction may be had, immediately upon passage of sentence, and without further direction from the prosecuting attorney, to make out and deliver to the sheriff of the county an execution against the goods and chattels, lands and tenements of such person so convicted, as aforesaid; which execution the sheriff shall return within ten days with the indorsement of his proceedings thereon, or the want of property upon which to levy, as the case may be.

Sheriff to return within ten days.

Sheriff to sell the property as in other cases.

SEC. 2. That whenever a levy may be made upon property under such execution, the sheriff shall proceed to sell the same, as in other cases, and make return thereof according to law; and, in all such cases, it shall not be lawful for the clerk to make out or certify to the sheriff the costs of such conviction, or any part thereof, for payment from the state treasury, but such convict shall be delivered over to the warden of the penitentiary, in pursuance of his sentence, upon payment of the costs of transportation alone.

When costs not made, &c., clerk to certify such fact to auditor of state.

SEC. 3. That in any case where, upon the return of the sheriff, an amount of money has not been made sufficient for the payment of such costs of conviction, and no additional property is found whereon to levy, the clerk shall certify such fact to the auditor of state, under his seal, with a statement of the total amount of said costs, the amount made, and the amount remaining unpaid, which amount so remaining unpaid the auditor of state shall pay over to the order of said clerk.

Warden not to certify any bill unless accompanied by certificate of clerk, &c.

SEC. 4. That the warden of the penitentiary shall not pay, or certify to the auditor of state for payment, any bill for the costs of conviction of any person sentenced to confinement in the penitentiary, unless the same shall be accompanied by the certificate of the clerk of the court, in which such conviction was had, that execution had been issued according to the provisions of this act, and returned by the sheriff, indorsed "no goods or chattels, lands or tenements found, whereon to levy."

Sheriff to pay over excess.

SEC. 5. That in all sales made under the provisions of this act, it shall be the duty of the sheriff to pay over any excess of money remaining in his hands, after the payment of the costs of conviction, and the costs of execution and sale, to the person or persons legally authorized to receive the same.

Clerk to report to auditor of state amount of costs assessed.

SEC. 6. That it shall be the duty of the clerk of the court of common pleas, in each county in this state, to report to the auditor of state, immediately after the first day of June next, the amount of costs assessed in cases of conviction of penitentiary

offences, either by himself, as appears from his books, or by his predecessor, from the first day of January, one thousand eight hundred and thirty three, to the first day of June, one thousand eight hundred and forty four; and it shall be the duty of the auditor of state to proceed at once to the collection of all such costs as have not been paid into the state treasury, or appropriated according to the provisions of this act.

— Auditor of
state to collect,
&c.

SEC. 7. This act shall take effect and be in force from and after the first day of April next; and the secretary of state is hereby directed and required to forward a certified copy of the same to the clerk of the court of common pleas of each county in the state immediately after its passage.

When this act to
take effect.
Secretary of
state to send cer-
tified copy to
each clerk.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 4, 1844.

AN ACT

To amend an act entitled "an act relating to Juries," passed February 9, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the several courts of common pleas of this state, after the discharge of the grand jury, at any regular term of any such court, if it shall be deemed necessary by such court, to order the sheriff or other officer to call together a new grand jury, by summoning from the bystanders or neighboring citizens, fifteen good and lawful men having the qualifications of grand jurors, and the persons so summoned, shall be impaneled and sworn as a grand jury, and shall, to all intents and purposes, be vested with all the rights and powers of a grand jury, until discharged by the court, and shall be entitled to the same fees as are allowed by law to talesmen serving upon the grand jury.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 5, 1844.

AN ACT

To amend the "act for the distribution and safe keeping of the Laws and Journals," passed March 12, 1831.

Secretary to
take bond.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the secretary of state to take from the person, who shall be by him declared a contractor, according to the third section of the "act for the distribution and safekeeping of the laws and journals," passed March twelve, one thousand eight hundred and thirty one, a bond with two or more substantial sureties, who shall be freeholders, in a penalty not less in any case, than three hundred dollars, conditioned that the principal in said bond shall faithfully and safely deliver the laws, journals and other documents at the office of the clerk of the court of common pleas, of the proper county, on or before the day named and appointed in said bond.

Bond to be indorsed, &c., by secretary, treasurer and auditor of state.

SEC. 2. That previous to the delivery of the laws, journals and other documents to any contractor, as provided for in the act to which this is an amendment, the secretary of state, the auditor of state and the treasurer of state shall cause the words "bond and sureties approved by us," to be indorsed on said bond, and shall subscribe their names thereto; provided that no bond shall be deemed void against such contractor and his sureties for want of such indorsement; but the secretary of state shall not be protected from impeachment or any other liability, by the existence of any bond not indorsed as aforesaid; and a separate bond shall be taken for each and every county in this state.

Bond not void for want of indorsement.

A separate bond to be taken for each county.

Secretary to forward to clerk of each county an abstract of the contents of bond.

SEC. 3. That it shall be the duty of the secretary of state, immediately on the execution and approval of said bond, to forward to the clerk of the court of common pleas, of the proper county, by mail or other conveyance equally certain and speedy, a brief abstract of said bond, containing the names of the contractor and his sureties, the amount of the penalty, the names of the board approving the same, the number of laws, journals and other documents contracted to be delivered, and the day appointed in said bond for the delivery thereof; and if the contractor shall fail to make the delivery, provided for in said bond, within twenty days after the day named in said bond, it shall be the duty of the clerk of the court of common pleas to certify that fact, under the seal of his office, to the secretary of state, who shall immediately place such bond in the hands of the proper prosecuting attorney, and cause suit to be forthwith brought thereon, and prosecuted to final judgment and execution, as soon as the nature of the case will permit.

Contractor failing to deliver laws &c., clerk to certify the same to secretary of state;

— His duty in such case.

SEC. 4. That if the secretary, treasurer or auditor of state be sick, absent, or in any manner disabled, the chief clerk in his office, or other person having lawful custody of the same, shall perform the duties enjoined on his principal by the second section of this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 5, 1844.

AN ACT

In addition to "An act to provide for the Inspection of Salt," passed February 3, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the court of common pleas of each county in this state, in which salt is manufactured, at their first, or any subsequent term, after the passage of this act, to appoint one inspector of salt, who shall have power to appoint one or more deputies to act under him, for whose acts the principal shall be accountable and liable.

Court of common pleas to appoint one inspector in each county where salt is manufactured;

SEC. 2. That before any inspector of salt, or deputy inspector of salt, shall enter upon the duties of his office, he shall take an oath, or affirmation, faithfully and impartially to execute the duties required of him by law; and each inspector shall moreover enter into bond with sufficient security, to be approved by the court, in such reasonable sum as the court may require, made payable to the State of Ohio, conditioned for the faithful and impartial performance of the duties required of him by law; which bond shall be deposited with the treasurer of the county.

—who shall take an oath and give bond.

SEC. 3. That any person who may think himself injured by the incapacity, neglect or misconduct of such inspector of salt, or his deputy, may institute a suit, on copy of the bond, certified by the county treasurer, for the use of the person suing, provided that the treasurer shall not be liable for costs; and in case the party suing shall obtain judgment, he may have execution as in other cases, and the bond shall not become void upon the first or any subsequent judgment; and no suit shall be brought upon said bond after one year from the time the cause of action shall have accrued.

By whom and how sued on.

Limitation of action.

SEC. 4. That before any salt manufactured in this state shall be removed from the works where manufactured, it shall first be well drained, and placed in good and sufficient barrels, made of sound and seasoned timber, and well bound with ten good and sufficient hoops, the two end hoops to be nailed with four nails in each; and the two middle hoops with three nails in each; and it shall be the duty of the owner or packer of said salt, before packing the same, to weigh each barrel into which the salt is to be packed, and brand the weight of each barrel upon the head of the same, with durable paint or brand-

How salt to be inspected;

ing irons, and pack into each barrel the uniform quantity of two hundred and eighty pounds of salt, and after said salt shall have been packed in said barrels, as aforesaid, and before the same shall be removed from the works where made, it shall be the duty of the owner or other person having possession of the same, to brand the name of the manufacturer of said salt upon the head of each barrel into which the same is packed, and request the inspector of salt of the county in which the same is manufactured, or his deputy, to inspect the same; and it shall be the duty of said inspector, or deputy, to attend at the works and examine, under oath, or affirmation, to be administered by himself, the person or persons by whom the weights of said barrels were branded upon the same, as to the correctness thereof; and shall weigh said barrels of salt and ascertain whether they contain the quantity required, and mark thereon, legibly, with durable paint, the net weight of the salt, two hundred and eighty pounds; and shall bore into the head of each barrel with some metallic instrument, and pass the same diagonally to the opposite end, so as to procure a fair sample of the contents of the same; and if the said salt is of the first quality, he shall inscribe on the head thereof, number one; and if of the second quality, he shall inscribe in like manner number two; and if of a very inferior quality, he shall inscribe in like manner the letter R, which shall signify rejected; which said marks shall be placed above the net weight of said salt, with the inspector's name below, and the name of the county.

—and branded;

Neglect of duty
—how punished

SEC. 5. That if any person not duly authorized shall affix the aforesaid brands or marks to any barrel or barrels of salt, or to any barrels into which salt is to be packed, or shall pack any salt into barrels that have once been inspected as aforesaid, without first taking off the inspection marks, he shall be deemed guilty of forgery, and punished as is provided for that crime.

Salt removed
without inspection,
forfeited.

SEC. 6. That if any salt shall be removed in barrels from the works where made, or from any place where the same may be packed, before inspected as aforesaid, by the owner or owners, or his or their agents, the same shall be forfeited to the state; and it shall be the duty of the inspector of the county in which the same shall be found, or of the inspector of the county in which the same was manufactured, to forthwith inform the prosecuting attorney of the county in which said inspector resides; and it shall be the duty of the prosecuting attorney to procure a warrant to issue forthwith from the office of the clerk of common pleas of his county, commanding the sheriff of his county to seize said salt wherever he can find the same, in the State of Ohio, and hold the same subject to the order of said court, which warrant shall be returnable forthwith.

Duty of prosecuting
attorney
and sheriff.

Prosecuting attorney
to file a
description, &c.

SEC. 7. That when said warrant shall be returned, it shall be the duty of the prosecuting attorney to file in said court a description of the same, and set forth the cause for which the

same was seized, and if the same shall be filed ten days prior to any term of said court, the said matter shall be heard and determined upon at said term, unless the court, for good cause shown, shall continue the same.

SEC. 8. That any person or persons interested in said salt, shall be at liberty to come in and defend the same, upon giving security for costs in said proceedings. Who may defend.

SEC. 9. That if the court, upon the hearing of the matter, shall be satisfied that said salt was removed contrary to the provisions of this act it shall be the duty of the court to issue an order to the sheriff to sell the same, in the manner prescribed for the sale of goods and chattels under execution, and render judgment for costs against said person or persons defending the same. Upon final hearing, if satisfied, court to order sheriff to sell the same, &c.

SEC. 10. That the moneys arising from the sale of the same shall be appropriated, first, to the payment of all the costs of said proceedings, where no costs are recovered from any person or persons defending, as above stated, and fifteen per cent. of the remainder shall be paid over to the inspector for his services in said matter, and the remainder shall be paid over to the county treasurer, for the benefit of the common schools of the county. Moneys arising from the sale, how disposed of.

SEC. 11. That the sheriff shall receive such compensation for his services under this act as the court shall allow; and the inspector shall be entitled to demand and receive at the time of inspection, three cents per barrel for every barrel inspected and marked by him as aforesaid. Fees of sheriff and inspector.

SEC. 12. That in all proceedings for the forfeiture of any salt, under this act, where the same shall not be declared forfeited, the costs of said proceedings shall be paid out of the county treasury. Costs, how paid when salt not forfeited.

SEC. 13. This act shall take effect from and after the first day of May next, except as to the appointment of inspectors as above provided. When to take effect.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 5, 1844.

AN ACT

In relation to homicidal insanity.

Persons tried for murder and acquitted on the ground of insanity shall not be discharged;

—but court to enter that fact on journal, and commit prisoner to county jail;

Clerk to make out warrant;

—To make application to superintendent of lunatic asylum for admission of such insane person;

—but on application such homicide may be examined, previous to being sent to asylum, and, if restored to reason, may be discharged.

Directors may discharge homicide.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where any person is tried by the court of common pleas or supreme court of this state, for murder or manslaughter, and the accused shall be acquitted on the ground that he or she was insane at the time of the commission of the act, which fact of insanity the jury shall return to the court, it shall not be lawful for the court to discharge such accused from confinement, if, in their opinion, it would be dangerous to community, but it shall be the duty of the court to cause an entry to be made upon the journal of said court, that the accused is still insane, and that it would be dangerous to permit such person to go at large, and shall order him or her to be committed to the jail of said county.

SEC. 2. The clerk of the court, where such accused was tried, shall make out a warrant, predicated upon the order of the court, directed to the sheriff of said county, commanding him to take such person to the jail of said county, and there detain him or her until legally discharged, or removed to the lunatic asylum, as hereinafter directed.

SEC. 3. That it shall be the duty of the clerk of the court of common pleas or supreme court, in the county where such insane person is confined, to make application to the superintendent of the lunatic asylum for the admission of such insane person into the asylum, in the same manner as is provided by the existing laws for the admission of lunatic patients, except the insanity shall be regarded as established.

SEC. 4. That any time before such homicide or insane person shall have been removed to the lunatic asylum, and being confined in jail, on application made in writing by any person, to the court of common pleas or supreme court, in the county where such homicide or insane person is confined, setting forth that, in their opinion, such person is restored their reason, the court may order such person brought before them, and if, on proof and examination, said court shall be satisfied that it would be safe to permit such person to go at large, they shall discharge him or her from prison.

SEC. 5. That a majority of the directors of the lunatic asylum may discharge such homicide or insane persons whenever, in their opinion, such persons are restored to their reason, and it would be safe to permit them to go at large.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 6, 1844.

AN ACT

To prevent the introduction and spreading of the Canada Thistle.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That every owner or possessor of land shall cut or mow down all the Canada thistles growing thereon, or in the highway adjoining the same, so often as to prevent their going to seed, and if any owner or possessor of land knowingly shall suffer any such thistles to grow thereon, or in any highway adjoining the same, and the seed to ripen so as to cause or endanger the spreading thereof, he shall forfeit and pay the sum of ten dollars; and any person may enter on the land of another, who shall neglect or refuse to cut or mow down such thistles, for the purpose of cutting or mowing the same down, and shall not be liable to be sued in an action of trespass therefor.

Duty of owner of land to cut down Canada thistle.

Penalty for permitting thistle to go to seed.

SEC. 2. That if any person shall, knowingly, vend any grass or other seed, in which there is any seed of the Canada thistle, such person shall, for every such offence, be fined the sum of twenty dollars.

—For vending seed containing seed of Canada thistle.

SEC. 3. That all fines accruing under the provisions of this act shall be collected before a justice of the peace, in the name of the state of Ohio, and paid into the township treasury for the use of schools. This act to take effect from and after the first day of June next.

Fines—to be paid into township treasury for use of schools.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 6, 1844.

AN ACT

To reduce the number of the Board of Bank Commissioners.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of bank commissioners shall, from and after the first day of April, one thousand eight hundred and forty four, consist of one member only; provided that nothing herein contained shall be so construed as to interfere with or affect the term of office for which Bela Latham, one of the present bank commissioners, was appointed by joint resolution of the general assembly.

SEC. 2. That all acts or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 6, 1844.

AN ACT

To increase the revenue of the state common school fund, and make permanent the transfers thereto.

Fund to be raised from certain revenues to be paid into state treasury.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all moneys arising from licenses to pedlers, all moneys arising from auction duties or licenses to auctioneers, except in the county of Hamilton, and all fines and penalties, collected under the laws relating to each of said funds, and all moneys arising from taxes on lawyers and physicians shall hereafter be paid into the state treasury to the credit of the State common school fund.

Including the year 1843.

SEC. 2. This act shall be construed to embrace all collections and payments of said funds for the year one thousand eight hundred and forty three, and all delinquencies of the preceding year.

Making permanent \$23,143 63

SEC. 3. That the auditor of state be and he is hereby directed to make permanent the transfer of the sum of twenty three thousand one hundred and forty three dollars sixty three cents and four mills from the general revenue to the state common school fund, which amount was transferred on the fifteenth day of November, one thousand eight hundred and forty two, to supply the deficiency in the school fund for that year.

Excess over \$200,000 to be used as state revenue.

SEC. 4. That should the revenue derived from the sources, enumerated in the first section of this bill, [act] together with all other sources of revenue, made permanent by law for the state common school fund, exceed the sum of two hundred thousand dollars, the excess shall be considered and used as state revenue.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 6, 1844.

AN ACT

Providing for taking testimony to be used before the House of Representatives in cases of impeachment.

Person preferring complaints may take depositions before or after the same has been presented.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where any memorial, petition, or complaint, praying for an investigation of the official conduct of any officer liable to impeachment by the constitution of Ohio, is pending in, or may hereafter be presented to the house of representatives of this state, it shall be competent and lawful for any person or persons preferring such complaints, either

er before or after the same has been presented, to take depositions of witnesses to substantiate the same, which depositions may be used as testimony before said house in determining whether they will impeach such officer, and may be taken before any person authorized by law to take depositions in other cases.

SEC. 2. That notice shall be given of the time and place of taking such depositions, in the same manner as is required by law in other cases, provided, however, if the officer against whom such complaint is made, or about to be made, shall be out of the state, then such notice may be left at his place of residence in the same, but if he have no known place of residence in said state, then such notice may be published in some newspaper printed in the county of said state where he last resided, for three consecutive weeks next preceding the time of taking said depositions.

Notice to be given.

SEC. 3. That in case an impeachment shall be preferred to the Senate, and the officer impeached shall be convicted by the Senate, then the person complaining, who has caused said depositions to be taken, shall be allowed the legal fees accruing on taking the same.

Fees, &c.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 6, 1844.

AN ACT

To amend an act entitled "An act to extend the time of payment to purchasers of school lands in this State."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act passed January third, one thousand eight hundred and forty three, as provides for the extension of the time of payment of purchasers of school land, until the first of January, one thousand eight hundred and forty five, be and the same is hereby extended until the year one thousand eight hundred and forty seven, any thing in the act to which this is an amendment to the contrary notwithstanding.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 6, 1844.

AN ACT

To amend the several acts incorporating the Bank of Sandusky, Bank of Norwalk, Bank of Xenia, Lafayette Bank of Cincinnati, and for other purposes.

Extending the
charters three
years:

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Bank of Norwalk, the Bank of Sandusky, the Bank of Xenia, and the Lafayette Bank of Cincinnati, be and they are hereby released, for the term of three years, from and after the passage of this act, from all the provisions, restrictions, and limitations contained in the act entitled "an act to regulate banking in Ohio," passed March seventh, one thousand eight hundred and forty two, and the act amendatory thereto, passed February twenty first, one thousand eight hundred and forty three, and that the original charters of said banks are, respectively, hereby amended as provided in the following sections of this bill, the provisions, limitations, restrictions, and liabilities of which are hereby annexed to and made a part of the original charters of said banks respectively.

Stockholders to
be individually
liable for all
claims, except,
&c.

SEC. 2. That from and after the first day of April, one thousand eight hundred and forty four, the stockholders of said banks shall be severally liable, in their individual and private capacity, for each and every valid claim against the bank of which they are stockholders, except in cases where depositors and the bank shall otherwise agree in relation to the liability of their deposits.

—Proportion of
circulation to
capital:

SEC. 3. That it shall not be lawful for any of said banks to issue or put in circulation or have in circulation, at any one time, an amount of notes or bills of such bank, designed, calculated, or intended to circulate as money, greater than once and a half times the amount of capital stock actually subscribed and paid into and remaining in such bank; and every such bank shall be required to have and keep in the vaults thereof, as the actual property of such bank, an amount of gold or silver coin equal to one dollar for every three dollars of such circulation, and in case it shall so happen that any of said banks, by the redemption of its notes and the payment of its immediate liabilities in gold or silver coin, shall violate so much of this section as relates to the proportion of its specie and circulation, it shall be unlawful for the directors of such bank, from the times such disproportion accrues, to discount any note, bill, bond, or other security, or in any manner pay out and put in circulation any of the circulating notes of such bank until the legal proportion of circulation and gold and silver coin shall be regained, and all such discounts made in violation of the provisions of this section shall be considered and held, to all intents and purposes, void, and the directors consenting to such violation shall be liable, jointly and severally, in their individual capacities, to such bank, for all damages arising to such bank for such violation.

Penalty for ex-
cess.

SEC. 4. If any president, director, trustee, cashier, or other officer, clerk, or agent of any said banks shall embezzle or fraudulently convert to his own use or shall fraudulently take or secrete any effects or property or commit any breach of trust, with intent to convert to his own use or to the use or benefit of any other person, any effects or property belonging to any of said banks or deposited therein, he shall be liable to a prosecution by indictment, and, upon conviction thereof, may be imprisoned in the penitentiary and kept at hard labor not more than ten years nor less than one year.

Punishment for
embezzling:

SEC. 5. The shares of the capital stock in each of said banks shall be transferable on the books of such bank according to such rules as a majority of the stockholders present at any annual meeting may establish, but subject to such provisions as may hereafter be provided by law, and all transfers of stock to defraud the creditors of the bank, or any other person, shall be null and void, and if any bank shall be found to have been insolvent at the time such transfer of stock was made such transfer shall be deemed and taken to be fraudulent, and the person making it shall be held liable as a stockholder of such bank in the same manner and to the same extent as if no such transfer had been made.

—Transfer of
stock:

SEC. 6. That said bank shall not loan or discount to any stockholder or director, upon any note or evidence of debt, or to permit any director or stockholder to become liable in any form to their bank to a greater amount than one half of the capital stock of such stockholder or director actually possessed by him, provided that nothing herein contained shall prohibit said bank from buying and selling bona fide bills of exchange.

Loans to stock-
holders or direc-
tors:

Bills of exchange

SEC. 7. That the board of directors of said banks in this act named, shall contain not less than five nor more than nine members, at the discretion of the stockholders, provided that the last elected board of directors of said banks may continue in office during the term for which they were elected, unless sooner removed by a vote of the stockholders, or by death or resignation.

Number of
stockholders:

SEC. 8. That from and after the passage of this act, the act incorporating the Bank of Wooster, passed February fourteenth, one thousand eight hundred and thirty four, and the act amendatory thereto, passed February fifteen, one thousand eight hundred and forty four, be and the same are hereby so amended and modified as to make said Bank of Wooster subject to the provisions contained in the fifth section of this act, and said section is hereby made a part of the charter of said Bank of Wooster.

Bank of Woos-
ter:

SEC. 9. It is hereby declared to be the true intent and meaning of the proviso of the seventh section of the act entitled "an act to amend the act to incorporate the Bank of Wooster," passed February fourteenth, one thousand eight hundred and thirty four, and to repeal so much of the nine-

Funds on depos-
it in certain
eastern cities to
be equivalent to
gold and silver
in the vaults, &c;

—As far as re-
gards circulation

teenth section of the act entitled "an act to amend the act to regulate banking in Ohio," passed February twenty first, one thousand eight hundred and forty three, as relates to said Bank of Wooster, and for other purposes, passed February fifteenth, one thousand eight hundred and forty four, that nothing but gold and silver funds, deposited by said Bank of Wooster in New York, Boston, and Philadelphia, subject to sight drafts by said bank, shall be equivalent to gold or silver coin in the vaults of said bank, so far as regards the amount of circulation; and nothing in said proviso shall be so construed as to prevent said bank to redeem her bills in gold and silver at her counter whenever she shall be required so to do; and it is hereby further declared to be the true intent and meaning of the exception, at the close of the second section of the aforesaid act, that said agreement therein specified shall be confined and extended only to agreements with depositors in relation to liability for their deposits.

Parts of certain
acts repealed.

SEC. 10. That so much of the said several acts to which this is an amendment, as is inconsistent with the provisions of this act, be and the same are hereby repealed, provided that this act shall take effect, so far as relates to the banks named in the first section, whenever assented to and accepted by a regular meeting of the stockholders of the respective banks, or by a meeting specially called for that purpose, composed of or representing a majority of the stock of said banks respectively.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

THOMAS W. BARTLEY,

Speaker of the Senate.

March 12, 1844.

AN ACT

To amend the law in relation to the Ohio Penitentiary:

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors and warden of the Ohio Penitentiary be authorized to employ such number of guards, in addition to those provided for by law, as they may deem proper for the safety and interest of the institution, at a compensation not exceeding twenty five dollars per month.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

THOMAS W. BARTLEY,

Speaker of the Senate.

March 12, 1844.

AN ACT

Fixing the prices of printers for the insertion of legal advertisements.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the first day of July next, the price of advertising all chancery notices, sheriff's sales, administrators sales, and notices to debtors and creditors of deceased persons, the sale of lands returned delinquent by the county treasurer, the exhibit of the receipts and expenditures of the several counties, and all other advertisements required by law to be inserted in a newspaper, shall be fixed at one dollar per square, for the first three insertions, a square to contain at least three hundred ems, and for each subsequent insertion, when an advertisement is directed by law to be inserted more than three times, twenty five cents.

Printer's fees for publishing legal advertisements;

SEC. 2. All legal advertisements shall be set up in a compact manner, without any unnecessary blanks or head lines, and the account rendered by the printer shall, in all cases, be accompanied by an affidavit, setting forth that the provisions of this act have been fully complied with on his part, in its letter and spirit.

— To be compactly set up.

SEC. 3. That where the affidavit of the printer is required by law to accompany any legal advertisement, he shall be allowed for his fee twelve and a half cents, and no more.

Fees for affidavit.

SEC. 4. That all laws inconsistent with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To amend the act to regulate the sale of ministerial and school lands and the surrender of permanent leases thereto, passed February 2, 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where any person or persons holding a permanent lease or leases of any land, granted by congress for ministerial or school purposes, may wish to surrender the same, as provided in the act to which this is an amendment, the vote of the township shall be taken, the same as is by said act required in case of the sale of said land.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To provide for a more uniform system of charging and collecting tolls on Turnpike Roads.

Whereas, the people of the state of Ohio, in their sovereign capacity, as well as individually, have expended large sums in the construction of turnpike roads; and, whereas, it is important that a regular and uniform system of charging and collecting tolls be adopted on these turnpikes, so that those traveling on and using said roads shall be taxed in proportion to the injuries done to said roads; and, whereas, by the existing laws of the state, so desirable an object cannot be accomplished; therefore—

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That each and every of the turnpike companies, to the capital stock of which the state has subscribed, is hereby authorized to appoint an agent, on the part of said company, to meet the board of public works, as agents on the part of the state, at such time as such board shall appoint, for the purpose of establishing, so far as may be, such uniform and equitable rates of toll for said turnpikes, as, in their opinions, are for the best interests of the state and the said companies, and also to establish such rules and regulations for keeping said turnpikes in repair, and collecting tolls thereon, not inconsistent with the laws of the state, as they may deem equitable and proper.

SEC. 2. All acts and parts of acts, inconsistent with this act, be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To amend "An act fixing the times of holding the Court of Common Pleas," passed February 13, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first and third terms of the court of common pleas, in the county of Highland, in the tenth judicial circuit, shall be held in the year one thousand eight hundred and forty four, as follows:—on the fifth Tuesday of April and on the fourth Tuesday of September.

SEC. 2. That so much of the act to which this is an amendment as conflicts with this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To amend the act entitled "An act defining the powers and duties of Justices of the Peace and Constables, in civil cases," passed March 14, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where the proceedings of a justice of the peace are carried to the court of common pleas or supreme court by writ of certiorari, the clerk of the court shall require and take from the person applying for such writ, prior to his issuing the same, a bond to the adverse party, with sufficient surety, resident within the county, conditioned for the payment of all the costs and charges which have accrued, or may accrue, on such writ, together with the amount of any judgment that may be rendered against such plaintiff in certiorari, either on the further trial of the cause, after the judgment of the court below shall have been set aside or reversed, or upon and after the affirmance thereof in the court of common pleas.

SEC. 2. That the fifty fifth section of the act to which this is an amendment, be and the same is hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

THOMAS W. BARTLEY,

Speaker of the Senate.

March 12, 1844.

AN ACT

To amend the "Act fixing the times of holding the Court of Common Pleas in the eleventh circuit, and in the county of Delaware, of the twelfth circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the times of holding the fall term of the common pleas in the eleventh circuit shall be held in the county of Holmes, September eleventh; in the county of Wayne, September twenty third; in the county of Medina, October seventh; in the county of Knox, October twenty first; in the county of Richland, November fourth; and the summer term of the said court shall be held in the county of Delaware, in the twelfth circuit, on the twenty third day of July.

SEC. 2. That all acts or parts of acts which may conflict with the provisions of this act, are hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

THOMAS W. BARTLEY,

Speaker of the Senate.

March 12, 1844.

AN ACT

To amend an act entitled "An act to regulate the mode of petitioning the Legislature in certain cases," passed February 21, 1824.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where petitions, memorials, or remonstrances shall be presented to any future legislature, for or against the erection of any new county, or for the location or relocation of any county seat, the petitioners shall be resident tax payers or voters within the several townships where they may reside, and the petitions shall set forth the name of the township and county where the petitioners reside, and that his or their residence is within or out of the bounds of the proposed new county, as the case may be; and all the foregoing requisitions shall be proven by the certificate of a township clerk, or by the oath or affirmation of some respectable freeholder or voter, certified by some person authorized to administer oaths.

SEC. 2. That so much of the act to which this is an amendment, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To amend "An act fixing the times of holding the Court of Common Pleas," passed March [February] 13, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the second term of the court of common pleas, in the eighth judicial circuit, shall be held in the year one thousand eight hundred and forty four, as follows:—in the county of Athens, on the third Monday in May; in the county of Washington, on the next succeeding Monday; in the county of Scioto, on the seventeenth day of June; in the county of Lawrence, on the next succeeding Monday; in the county of Gallia, on the next succeeding Monday, in the county of Meigs, on the next succeeding Monday.

SEC. 2. That so much of the act to which this act is an amendment, as conflicts with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To dispense with making records in certain cases and recording depositions.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no clerk of any court of record in this state shall be required by law to make any record of the proceedings of the court of which he is clerk, in the following cases:

In what cases clerk may omit making records

First: In criminal prosecutions, where the prosecuting attorney shall have entered a nolle prosequi upon the indictment;

Second: In actions at law where the plaintiff shall have discontinued the suit before trial, or shall voluntarily become nonsuit;

Third: In all suits by bill in chancery or petition, where the bill or petition shall be dismissed without prejudice;

Fourth: In all suits and actions in which, in open court, at the term at which final judgment shall be rendered, or decree made, both parties shall declare their agreement that no record shall be made.

SEC. 2. That no clerk of any such courts shall record the depositions taken in any action or suit in such courts, except in petitions in chancery for the purpose of perpetuating evidence.

Depositions not to be recorded, except, &c.;

SEC. 3. If either party shall require the clerk of any such court to make a complete record of the proceedings of the court, in any of the several cases mentioned in the first section of this act, and pay, or secure to the satisfaction of such clerk, his fees therefor, it shall be the duty of such clerk to make such record at the costs of the party so requiring the same to be done.

— But either party may require record to be made and pay for the same.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,

March 12, 1844.

Speaker of the Senate.

AN ACT

Fixing permanently the times of holding the Court of Common Pleas in the Fifteenth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas, in and for the counties composing the fifteenth judicial circuit of Ohio, shall be held, for the year one thousand eight hundred and forty five, and in each and every year thereafter, as follows, that is to say—in the county of Belmont, on the first Monday of March, on the third Monday in May, and on the third Monday in September; in the county of Guernsey, on the fourth Monday of March, on the second Monday in June, and on the first Monday in October; in the county of Monroe, on the second Monday in April, on the fourth Monday in June, and on the third Monday in October; in the county of Harrison, on the fourth

Court of common pleas in fifteenth circuit.

Monday in April, on the third Monday in August, and on the first Monday in November; in the county of Jefferson, on the first Monday in May, on the first Monday in September, and on the third Monday in November.

If business not finished, court may continue term.

SEC. 2. That if the court in any county of said circuit, shall not have completed its business before the time fixed for holding the court in any other county within the said circuit, the court may continue its term until the business be disposed of for the purpose of doing probate and testamentary business, granting letters of guardianship, licenses for taverns and ferries, and for return of process.

JOHN M. GALLAGHER,
Speaker of the House of Representatives
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To amend the act entitled "An act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March 7, 1838.

Corporate authorities may divide districts;

SEC. 1. *Bé it enacted by the General Assembly of the State of Ohio*, That the corporate authorities of any incorporated town, city, or borough, shall be authorized, when they think it advisable, upon the application of two thirds of the householders of any subschool district in said town, city, or borough, or of any other portion of such town, city, or borough, to set off into a separate district such subschool district, or other portion of such town, city, or borough, which said separate district shall thereafter draw its proportion of school moneys, and be regulated and managed as is or shall hereafter be provided by law for other school districts, not in incorporated cities, towns, or boroughs.

— which may draw proportion of school money.

Notice to be given of intention to apply for division.

SEC. 2. That before such corporate authorities shall act upon such application, notice thereof shall be given by the applicants, by posting up in five public places within such city, town, or borough, two of which shall be within the bounds of the proposed district, notices of their intention to make such application, and of the time and place where the same will be acted on by said corporate authorities, which said notices shall be so posted up at least ten days before the time of the hearing of such application.

Tax to be assessed to pay costs.

SEC. 3. That in all suits where any school district is a party, and unsuccessful, the directors of any such district are hereby authorized to levy and cause to be collected a tax sufficient to pay all liabilities of such district, in consequence of such suit, on the property of the resident householders in the district, subject to school tax in the same manner as other district taxes are collected.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To prevent fraudulent practices.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, After this act shall take effect, every person in whose name any merchandise shall be shipped, or delivered to the keeper of any warehouse, or other factor or agent, to be shipped, shall be deemed the true owner thereof, so far as to entitle the consignee of such merchandise to a lien thereon.

Consignee of merchandise may have a lien upon property shipped to him in certain cases;

First: For any money advanced, or negotiable security given by such consignee, to or for the use of the person in whose name such shipment, or such delivery of merchandise to be shipped, shall have been made.

—for money advanced or negotiable security given;

Second: For money or negotiable security, received by the person in whose name such shipment, or such delivery of merchandise to be shipped, shall have been made to, or for the use of such consignee.

—or received by person in whose name shipment is made.

SEC. 2. The lien provided for in the preceding section shall not exist when such consignee shall have notice by the bill of lading, or otherwise, at or before the advancing of any money or security by him, or at or before the receiving of such money or security by the person in whose name the shipment or the delivery of the merchandise to be shipped shall have been made, that such person is not the actual and bona fide owner thereof.

Said lien not to exist when consignee has had notice.

SEC. 3. Every factor or other agent, intrusted with the possession of any bill of lading, custom-house permit, or warehouse keeper's receipt for the delivery of any such merchandise, and every such factor or agent, not having the documentary evidence of title, who shall be intrusted with the possession of any merchandise for the purpose of sale, or as a security for any advances to be made or obtained thereon, shall be deemed to be the true owner thereof, so far as to give validity to any contract made by such agent with any other person for the sale or disposition of the whole or any part of such merchandise, for any money advanced, or negotiable instrument, or other obligation in writing, given by such other person upon the faith thereof.

Every factor or agent to be deemed true owner for certain purposes.

SEC. 4. Every person who shall hereafter accept any such merchandise in deposit from any such agent, as security for any antecedent debt or demand, shall not acquire thereby, or enforce any right or interest in or to such merchandise or document, other than was possessed or might have been enforced by such agent, at the time of such deposit.

Liability of person accepting merchandise from any agent.

SEC. 5. Nothing contained in the two last preceding sections of this act shall be construed to prevent the true owner of any merchandise, so deposited, from demanding or receiving the same, upon repayment of the money advanced, or on restoration of the security given on the deposit of such merchandise, and upon satisfying such lien as may exist thereon

True owner to exercise certain rights in this section specified.

in favor of the agent who may have deposited the same, nor from recovering any balance which may remain in the hands of the person with whom such merchandise shall have been deposited, as the produce of the sale thereof, after satisfying the amount justly due to such person by reason of such deposit.

Common carriers and warehouse keepers shall not hypothecate property.

SEC. 6. Nothing contained in this act, shall authorize a common carrier, warehouse keeper, or other person to whom merchandise or other property may be committed for transportation or storage only, to sell or hypothecate the same.

Factor or agent deemed guilty of a misdemeanor in cases herein specified.

SEC. 7. Every factor or agent, who shall deposit any merchandise intrusted or consigned to him, or any document so possessed or intrusted aforesaid, as a security for any money borrowed, or negotiable instrument received by such factor or agent, and shall apply or dispose of the same to his own use, contrary to good faith, and with intent to defraud the true owner; and every factor or agent, who shall sell any merchandise or other property intrusted or consigned to him, in the like manner and with the like fraudulent intent; and every other person who shall knowingly connive with or aid or assist any such factor or agent in any such fraudulent deposit or sale, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, for any space of time not exceeding three years, nor less than one year.

Owners of merchandise or other property may have relief in court of chancery.

SEC. 8. Nothing contained in the last preceding section shall be construed to prevent a court in chancery from compelling discovery, or granting relief upon any bill to be filed in that court by the owner of any merchandise or other property, so intrusted or consigned, against the factor or agent by whom such merchandise or other property shall have been applied or sold, contrary to the provisions of the said section, or against any person who shall have been, knowingly, a party to such fraudulent application or sale thereof; but no answer to such bill shall be read in evidence against the defendant making the same on the trial of any indictment for the fraud charged in the bill.

Owners of steamboats or other water craft deemed guilty of a misdemeanor in cases specified in this section.

SEC. 9. If the owner of any steamboat or other watercraft navigating the waters within, or bordering upon, this state, or of any property laden or pretended to be laden on board the same, or if any person concerned in the lading or fitting out such vessel, or if any person belonging to or attached to such vessel, shall make out or exhibit, or cause to be made out or exhibited, any false or fraudulent invoice, bill of lading, bill of parcels, or other false estimates of any goods or property laden or pretended to be laden on board such vessel, or shall give any writing purporting to be a receipt for, or an acknowledgment of goods or other property having been received on board such vessel, before such goods or other property, named in such receipt or acknowledgment, have been actually delivered on board the same, with intent to injure or defraud

any insurer of such vessel or property, or of any part thereof, or with intent to injure, deceive, or defraud any person who may be interested, or who shall thereafter become interested, in having goods or other property, named in such invoice, bill of lading, bill of parcels, receipt, or acknowledgment, actually and bona fide delivered on board of such vessel, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor for any space of time not exceeding three years nor less than one year.

SEC. 10. If any person shall accept of any writing, purporting to be a bill of lading, bill of parcels, receipt for, or acknowledgment of any goods or other property having been received on board of any steamboat or other watercraft navigating the waters within, or bordering upon this state, before the goods or other property, named in such bill of lading, bill of parcels, receipt or acknowledgment have been actually and bona fide delivered on board such vessel, with intent to injure, deceive, or defraud any person or persons whomsoever, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor for any space of time not exceeding three years nor less than one year.

Persons accepting bill of lading, &c., with intent to injure, deceive or defraud deemed guilty of a misdemeanor.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To authorize the Governor to make deeds for vacated gate lots on the National Road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor be and he is hereby authorized to make a deed or deeds, conveying the title in fee simple, of any lot or lots that have been or may hereafter be purchased for gate house lots, and which have been or may hereafter become vacated, or unnecessary for the purpose of keeping gate-houses thereon.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To amend the act entitled "An act directing the mode of trial in criminal cases," passed March 7, 1831, and also to amend the act entitled "An act to allow writs of error in criminal cases," passed March 7, 1831.

Two or more persons indicted jointly for a capital offence to be tried separately.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases where two or more persons are jointly indicted for the commission of any crime or offence, the punishment whereof is capital, each person so indicted shall be separately tried, and the clerk of the court where the trial may be, shall, at the instance of the prosecuting attorney, make out a venire facias for thirty six jurors for the trial of each person so indicted, in the manner required by the seventh section of the act entitled "an act directing the mode of trial in criminal cases," passed March seventh, one thousand eight hundred and thirty one.

In case of division of court on writs of error in criminal cases, &c.

SEC. 2. That in all cases of writs of error in prosecutions for crimes or offences, the punishment whereof is capital, or by imprisonment in the penitentiary, upon an equal division of opinion in the court in bank, judgment shall be reversed and the case remanded for further proceedings.

Parts of certain acts repealed.

SEC. 3. That so much of the seventh section of the act entitled "an act directing the mode of trial in criminal cases," passed March seventh, one thousand eight hundred and thirty one, and also so much of the act entitled "an act to allow writs of error in criminal cases," passed March seventh, one thousand eight hundred and thirty one, as conflict with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To amend the act entitled "An act to provide for the settlement of the estates of deceased persons," passed March 23, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That an executor or administrator, duly appointed in any other state or county, or his legal representatives, may be prosecuted in any action or suit at law or in equity, in any court in this state, in his capacity of executor or administrator.

SEC. 2. That this act shall take effect and be in force from and after the passage thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To regulate the Militia.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the training of the rank and file of the militia shall hereafter be dispensed with, in time of peace, except as provided for in this act.

Training of militia, in time of peace, dispensed with.

SEC. 2. That every able bodied white male inhabitant, resident within this state, who is or shall be of the age of twenty one years, and under the age of forty five years, excepting persons who may be members of volunteer companies, persons absolutely exempted by law, idiots and lunatics, shall be enrolled in the militia.

Who liable to do military duty;—exemptions.

SEC. 3. That it shall be the duty of the township assessors, annually, to prepare a list of all persons liable to be enrolled, as aforesaid, in their respective townships, and every keeper of any tavern or boarding house, and every master of any dwelling house, shall, upon application of the assessor, within whose township such house may be situated, or of any person acting under them, give information of the names of all persons residing in such house and liable to enrollment, as aforesaid; and every such person, so liable, shall, upon like application, give his name and age, and if any such keeper, master, or person, liable as aforesaid, shall refuse to give such information or shall give false information, he or they shall be fined in any sum not less than five dollars for each offence, to be collected in an action of debt before any justice of the peace for the proper township, and it is hereby made the duty of the assessor, forthwith, after the occurrence of any such offence, to commence such action, in his official capacity, in the name of the state of Ohio, against any person or persons so offending, and prosecute the same to final judgment and collection, if possible; and all moneys so collected shall be by such [assessor] immediately paid over to the treasurer of the proper township; and it is hereby made the duty of such treasurer to appropriate the same for the use of common schools in the proper township, in like manner as other school funds are now, by law, appropriated; and it shall be the duty of the township trustees to require and accept such additional security as will, in the opinion of such trustees, be sufficient to insure the faithful performance of the duties enjoined upon said assessors by this act.

Township assessors, annually, to prepare a list of all persons liable to be enrolled.

Keepers of taverns, boarding houses, &c., to give information.

Penalty for refusing.

Fines—when collected, how disposed of.

SEC. 4. That the township assessor shall, annually, at the time of assessing taxable property, make out a roll or list of all names of persons liable to be enrolled as aforesaid, and shall place it in the hands of the clerk of the proper township, who shall record the same in the book of record of such township, and it shall be the duty of such clerk to return, annually, in the month of May or June, an accurate copy of such record of enrollment to the commandant of the proper brigade, said commandant of brigade shall make return to the com-

Assessor to make roll list of those liable to enrollment, and place the same in the hands of the township clerk, who shall record, &c.

mandant of division, and the commandant of division to the adjutant general of the state, as now required by law.

Optional to train in volunteer company, or pay fifty cents.

SEC. 5. That it shall be optional with every person, enrolled as aforesaid, either to become an active enrolled member of a volunteer company or pay, annually, as a commutation for military duty, the sum of fifty cents, as hereinafter provided, or perform two days extra labor on some public highway in the road district in which he may reside.

Assessor to demand commutation money when making the enrollment, and if not paid before the first day of August, may distrain property.

SEC. 6. That it shall be the duty of the township assessor, in their respective townships, annually, at the time of making the enrollment aforesaid, to demand, either personally or by written requirement, from each person so enrolled, the aforesaid sum of fifty cents, and if the said sum shall not then or thereafter be paid, on or before the first day of August then next ensuing, said assessor shall forthwith proceed to collect the same by distraining the property of such person, in like manner as county treasurers are now, by law, authorized to sell property for the collection of delinquent taxes, provided that said sum of fifty cents shall not be collected from any person who shall exhibit to said assessor a certificate of membership as a uniform member, at the time being, of a volunteer company, signed by the commandant thereof, or from any person who shall exhibit a certificate as an active duty member of any regular organized fire, hose, or hook and ladder company, or from any person who shall exhibit a certificate from the supervisor of the road district in which he may reside, that he has performed two days' extra labor on some public highway in said district.

Who shall be exempt.

Money when collected to be paid over to the treasurer, and credited, &c.;

SEC. 7. All moneys collected by township assessors, under the provisions of the preceding section of this act, shall be by them immediately paid over to the treasurer of the proper county who shall place the same to the credit of the brigade in which said moneys may have been collected, in whose hands it shall constitute a military fund for the use of said brigade, to be disbursed as hereinafter provided.

—And take duplicate receipts therefor; and deposit one with county auditor.

SEC. 8. That the township assessors shall take duplicate receipts for all moneys by them paid over to the county treasurers under the provisions of this act, one of which they shall deposit with the auditor of the proper county; and said township assessors shall be paid the same rate of compensation as is allowed by law for the performance of their duties in assessing property for taxation, provided that they shall be entitled to receive pay only for such time as they shall be actually employed in the discharge of the duties enjoined upon them by this act; said compensation to be paid out of the military fund by the county treasurer, on the certificate of the trustees of the proper township.

Fees—to be paid out of the military fund.

Military fund to be paid upon the order of the commandant of brigade.

SEC. 9. That the military fund in the hands of the county treasurer, provided for by this act, shall be paid out by said treasurer upon the order of the commandant of brigade; and the county commissioners, in their annual settlement with the

county auditor and treasurer, shall examine and compare the receipts and disbursements by the county treasurer of the military fund in his hands, and shall allow said treasurer two per centum on the moneys so received and disbursed, and include and publish a statement of the same in the annual exhibit of county receipts and expenditures.

Fees of county treasurer.

SEC. 10. That whenever the militia are ordered for actual service, they shall forthwith be organized into companies, battalions, and regiments, and officered as now required by law, provided that the present boundaries of brigades and divisions shall continue to be recognized under this act; and the generals of brigades, whenever a vacancy occurs, shall be elected by the commissioned officers of the volunteer troops thereof, upon the order of the proper general of division as now required by law, and the general of division shall be elected as heretofore.

Militia when ordered into service, how to be organized.

Manner of electing officers.

SEC. 11. That all persons having heretofore served as commissioned officers in the militia of this state, and having legally thereby become exempt from military duty in time of peace, and all former members of volunteer companies who shall in like manner have become exempt, shall continue exonerated from military duty in time of peace, and shall also be exempt from the payment of the commutation money required by this act.

Who shall be exempt from military duty in time of peace,

—and payment of commutation money.

SEC. 12. That the quartermaster general and the adjutant general shall continue to perform their duties as heretofore required by law, so far as the same may be practicable without conflicting with the provisions of this act.

Quartermaster and adjutant generale to perform duties as heretofore, &c.

SEC. 13. All civil officers named in this act, who shall neglect or refuse at any time to obey the provisions thereof, shall forfeit and pay not more than one hundred nor less than twenty dollars, to be recovered in an action of debt before any court having competent jurisdiction, at the suit of any person complaining, for the use of the state of Ohio.

Officers neglecting to obey the provisions of this act;

—Penalty therefor.

VOLUNTEER MILITIA.

SEC. 14. That the acting militia of this state shall consist of volunteer companies, raised at large, by order of the commandant of brigade or of division; if there be no commandant of brigade, such companies to be composed of men between the ages of eighteen and forty five years, provided that no minor shall be enrolled by any officer of such light company without the consent of the parent, guardian, or master of such minor; and in all cases said volunteer militia shall first be ordered into service, in case of war, invasion, or to prevent invasion, to suppress riots, or to aid the civil authorities in the execution of the laws; and all volunteer companies, squadrons, battalions, and regiments, formed according to law, now raised and organized, shall be retained.

Volunteer companies to constitute the acting militia, raised by commandant of brigade; how composed.

Volunteer companies to be numbered by commandant of brigade, and a record made.

SEC. 15. The several volunteer companies of cavalry, artillery, light infantry, and riflemen, in each brigade, shall be numbered by the proper commandant of brigade, and a record made of such numbers, in the adjutant general's office; and when they exist in sufficient numbers, and are conveniently located for the purpose, shall be organized into battalions and regiments, and officered, as now provided by law.

Who to make returns, and to whom.

SEC. 16. The commandants of companies, when formed into battalions or regiments, shall make returns to the commanding officer of the same, and if not formed into battalions or regiments, shall make returns to the commandant of brigade; and commandants of squadrons, battalions, or regiments, shall make returns to the commandant of brigade, and the commandant of brigade to the commandant of division, as now required by law.

How noncommissioned officers, soldiers and commission'd officers may obtain a discharge and certificate.

SEC. 17. Every noncommissioned officer, and soldier of any volunteer company, shall be held to duty therein for the term of five years, unless some absolute disability shall occur after joining such company, or he shall be discharged by the proper officer; and every such person, after the expiration of said term, and every commissioned officer, after serving a similar term, in conformity with the provisions of this act, shall be entitled to a certificate of such service; and such certificates shall be given to all such persons, under the rank of brigadier generals, by generals of brigade, and to all other officers by commandants of division; and the holders of such certificates shall be exempt from military duty in time of peace, and shall, also, be exempt from the commutation payments hereinbefore provided for.

Number of men requisite for full company;

SEC. 18. Whenever forty men shall have been enrolled as members of any volunteer company, under the provisions of this act, such company shall be officered as now provided by law for officering similar companies, and no such company shall be increased to more than eighty members; and whenever a company becomes reduced, from any cause, below the number of thirty, they may be attached to any other company, by order of the brigadier general.

—and when reduced below thirty to be attached.

Duty of quartermaster general in the distribution of public arms.

SEC. 19. That it shall be the duty of the quartermaster general, in the distribution of the public arms, to apportion the same to the several divisions, according to the number of volunteer troops therein; and the commandants of division having, within their respective commands, a greater quantity of public arms than are necessary to supply the volunteer militia therein, are hereby required to return the same to the quartermaster general, within one year after the passage of this act.

Officers and soldiers shall equip themselves.

SEC. 20. Every officer of the line and staff, and every officer and soldier of any volunteer company, shall provide himself with a uniform complete, as now required by law; and each commissioned officer shall, also, provide himself with a suitable sword; and the arms and equipments of the officers and soldiers shall be held by them free from levy by any execution issued in any civil case, as is now provided by law.

Equipments exempt from execution.

SEC. 21. There shall be two company musters in each year, as follows:—on the first Friday in June and on the first Friday in August, annually, from nine o'clock, A. M., until four, P. M., of each day, and said companies may parade at other times, provided three fourths of the members thereof consent thereto; and the commandants of brigades, battalions, or companies shall have power, and are hereby required to call out their respective commands for the suppression of riots, or to assist civil officers in the execution of the laws, when called upon to do so by the proper authorities.

Company musters—when held.

Duty of commandants in case of riots.

SEC. 22. Every noncommissioned officer, musician, and private, who shall refuse to appear fully armed and equipped on any day of muster required by this act, shall, for every such refusal or neglect, pay the sum of two dollars for each company muster, and three dollars for brigade muster.

Fine of noncommissioned officers, musicians and privates for not equipping.

SEC. 23. That it shall be the duty of the commandant of each volunteer company, within ten days after the brigade muster and encampment, required by this act, to make out a list of the delinquents, particularly noting therein the fines assessed on each member of his company, and for what cause, a copy of which list, in the form of a notice, shall be forthwith posted up at the places of holding company muster, stating, also, the time and place appointed for holding the court of appeals; at which court every delinquent, feeling himself aggrieved by the decision of the commandant aforesaid, may appear and apply for redress; and it shall also be the duty of the commandant to deliver said delinquent list, duly certified, to the brigade inspector, on or before the day appointed for holding the brigade court of appeals required by this act.

Commandant of volunteer company to make out list of delinquents, &c.;

—and state the time for holding court of appeals.

Copy of list to be delivered to brigade inspector.

SEC. 24. There shall be held, once in each year, a brigade muster and encampment of all the volunteer militia in each brigade, commencing at ten o'clock, A. M., on the third Tuesday of August, annually, and continuing not more than five, nor less than three days; said muster and encampment shall be held at the most suitable place within the limits of said brigade, to be selected by the brigade quartermaster, under the direction of the commandant thereof; and the officers and soldiers, forming such encampment, shall be drilled in accordance with the requirements of the thirty first section of this act; provided that the muster and encampment of the third brigade, in the first division, may be held at the most convenient place within said division.

Brigade musters—when to be held, and length of time.

Officers and soldiers to be drilled.

Provision for third brigade.

SEC. 25. It shall be the duty of the commandant of division, during the encampment aforesaid, to review and cause to be inspected, each brigade of volunteer militia within his division, provided that he shall not be compelled to visit more than three brigades, in any one year; and he shall also appoint a brigade board of inspection, consisting of three competent officers, who shall hold a session at each brigade encampment, for the purpose of examining and determining the degree of proficiency, in military tactics, of such officers as may come

Commandant of division to review and inspect each brigade.

To appoint a brigade board;—duty of said board.

before them for examination, to every such officer who may be found, upon thorough examination, to be fully proficient in military tactics, and qualified for actual service in time of war, they shall give a certificate thereof, and to each holder of such certificate, the general of division, or, in his absence, the general of brigade shall, on the first succeeding muster and encampment, present, in the name of the state of Ohio, a good and substantial sword of well finished workmanship, of a value not exceeding twelve dollars, which shall be provided under the direction of the commandant of brigade, and paid for, upon his order, out of the military fund.

Brigade court of appeals;

SEC. 26. That a brigade court of appeals, consisting of the commandant of brigade, and the commandant of regiments, squadrons, and battalions, and such other officers as the commandant of brigade may designate, shall be holden on the second Tuesday succeeding the muster and encampment, held as aforesaid, notice of the time and place of holding said court of appeals shall be given by the commandant of brigade, on the last day of said muster and encampment; and said court of appeals shall hear and determine the complaints of all delinquents returned by the commandants of companies, who may appeal to them, and strike from the delinquent list any person whom they may deem improperly fined.

—Its duty.

Court of appeals to assess fines;

SEC. 27. The officers constituting said court of appeals shall also sit as a court to assess fines upon all brigade, commissioned, and staff officers, returned to said court by the brigade inspectors; said officers shall also, acting as a board of appropriation, distribute and apply the military fund as they shall deem best calculated to promote the efficiency and thorough discipline of the volunteer militia, provided that all appropriations of the military fund shall be in accordance with the requirements of this act.

—And appropriate military fund.

Duty of brigade inspectors.

SEC. 28. The brigade inspector shall attend the brigade court of appeals and court of assessment, required by the preceding section of this act, and shall keep an accurate record of the proceedings, and also of the appropriation of the military fund, and shall make a list of all fines not remitted by the court of appeals, including also the fines assessed upon delinquent brigade, commissioned, and staff officers, a copy of which list, signed by the commandant of brigade, as president of said courts, and attested by himself as inspector of brigade, he shall forthwith transmit to the paymasters of regiments, squadrons, and battalions in said brigade, and to the orderly sergeants of detached companies, if any; and the list of fines so placed in the hands of the officers aforesaid, shall be deemed and taken to have the legal effect and authority of an execution, and the paymasters and orderly sergeants aforesaid shall forthwith proceed to collect the amount of fines assessed upon such delinquent, whose name is upon the list delivered to him as aforesaid, by a levy upon, and sale of, any property which said delinquents may hold, without reservation, in the same

Fines—how collected;

manner and with the same costs for collection as are now allowed by law to constables in civil and criminal cases.

SEC. 29. All fines collected under the requirements of the preceding section of this act shall be by the paymasters and orderly sergeants immediately paid over to the county treasurer within the proper brigade, and by him shall be received, disbursed, and accounted for in the same manner as he is required to do with the military fund hereinbefore provided for.

—To be paid into the county treasury.

SEC. 30. All property held in common by any association or associations of persons, whose tenets or rules require a community of property, shall be holden for the payment of any and all fines assessed under the provisions of this act, against any member or members of such association for the nonperformance of military duty.

Property held in common, liable for fines.

SEC. 31. Every volunteer company and every field officer shall be furnished with camp equipage, and every volunteer company, regiment, squadron, and battalion, shall be furnished with suitable colors to be paid out of the military fund, as in other cases.

To whom camp equipage and colors to be furnished.

SEC. 32. All drafts upon the military fund, provided for in this act, shall be made by direction of the board of appropriation upon the order of the commandant of brigade.

Drafts on military fund, how made.

SEC. 33. Brigade inspectors and other staff officers shall be allowed such compensation by the board of appropriation as they shall deem just and reasonable, and members of courts martial at the rate of one dollar per day for their services for the period aforesaid.

Compensation of brigade inspectors and other staff officers.

SEC. 34. Enrolled musicians in volunteer companies, not exceeding four to each company, may be paid one dollar per day for their services, out of the military fund, as in other cases.

Enrolled musicians; their pay.

SEC. 35. If, after paying all drafts upon the military fund, hereinbefore specified, there shall remain a surplus in any brigade, it shall be appropriated to procure or build a suitable armory in which to preserve and safely keep the arms and equipments of the State, under the [direction of] commandant of brigade, and paid for, upon his order, out of the fund aforesaid.

Surplus funds, how appropriated.

SEC. 36. That all parades, musters, and encampments, held under the provisions of this act, shall be governed by the rules and regulations adopted for the government of the army of the United States.

How parades, musters and encampments governed.

SEC. 37. That the commissioned officers of all companies, or regiments, exempted from military duty by the provisions of this act, who are now uniformed and equipped, as required by law, may hold their commissions for the term of five years from the date thereof, and may, at their option, attend the brigade musters, required by this act, and shall, thereafter, be exempt from the performance of military duty in time of peace, and from the payment of commutation money, required by this act.

Commissioned officers exempt from military duty by this act, to hold commissions five years, &c.

Repeal of former acts.

SEC. 38. That an act to amend "an act to organize and discipline the militia," passed March tenth, one thousand eight hundred and thirty eight, and an act to amend "an act to organize and discipline the militia," passed March thirteen, one thousand eight hundred and forty three, together with so much of the "act to organize and discipline the militia," passed March four, one thousand eight hundred and thirty seven, as is inconsistent with the provisions of this act, be and the same are hereby repealed.

Commissions heretofore issued—when they shall expire.

SEC. 39. That all military commissions heretofore issued, except the quartermaster general, shall expire in six years from the passage of this act, and all military commissions heretofore [hereafter] issued, except as aforesaid, shall expire in six years from the date thereof; provided, that any officer holding a commission under the provisions of this act, who may be re-elected to the same office, shall retain the same rank that he was entitled to under his former commission, provided, also, that nothing in this act, or the act to which this is an amendment, shall be construed as to disqualify any staff officer to hold a commission after he may arrive at the age of forty five years.

Staff officer may hold commission after he shall arrive at the age of forty five.

Adjutant and quartermaster generals—their pay.

SEC. 40. That the adjutant general and the quartermaster general, of this state, shall each receive the sum of two dollars per day, for each day actually employed in the discharge of the duties of their respective offices; provided that the quartermaster general shall not receive pay for more than one hundred days, nor the adjutant general for more than one hundred and fifty days employed in any one year.

This act not to prevent enrollment of persons, between 18 and 21 years of age.

SEC. 41. Nothing in this act shall be construed as to prevent all able bodied white male citizens of this state, between the age of eighteen and twenty one years, from being enrolled and returned by the proper officers, in the aggregate strength of the militia in the state, in the same manner as provided for in this act in relation to those over twenty one years.

SEC. 42. This act to take effect from and after its passage.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

THOMAS W. BARTLEY,

Speaker of the Senate.

March 12, 1844.

AN ACT

Further to amend the act entitled "An act pointing out the mode of levying taxes," passed March 14, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all tracts and lots of land, granted by congress for the use of schools, and which are or may be under lease, be and the same are hereby declared subject to taxation by the school districts in which located, for building school houses and for school purposes, any thing contained in the act to which this is an amendment, to the contrary, notwithstanding; and it is hereby made the duty of the assessor of the proper township to proceed to appraise the same, in the same manner as is or may hereafter be provided by law, which appraisement the assessor shall return to the auditor of the [proper] county, who shall file the same in his office, and, when required by any school district in which such tract or lots of land are located, to furnish a list of taxable property on his duplicate for the purpose of levying a school district tax, it shall be the duty of the auditor to include in said list the appraisement of said leased lands, so returned as above provided.

School land under lease, liable to taxation for school purposes, and school houses;

— And assessor to appraise the same, and make return to county auditor.

SEC. 2. That the lessee of the tracts and lots of land, mentioned in the first section of this act, shall stand charged with the taxes thereon, and the same shall be collected of such lessee as other school taxes are collected, provided that such lands shall not be forfeited or sold for nonpayment of such taxes, but the remainder of the term may be forfeited and sold therefor, as in other cases lands are forfeited and sold.

Lessee to stand charged with tax thereon, &c.

SEC. 3. That upon payment of such tax by such lessee the receipt therefor shall be evidence of the due and lawful payment of so much of the rent reserved in his lease.

Receipt to be evidence of payment of so much rent, &c.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

Further to amend the act defining the duties of County Treasurers, and for other purposes.

If county treasurer give receipt for property returned delinquent and placed on the duplicate, he shall be liable for tax, interest and penalty.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That where any tract of land or town lot shall be returned delinquent for the nonpayment of taxes and placed on the duplicate of the succeeding year, and the owner or person liable to pay taxes therefor shall produce the receipt of the treasurer for such taxes of the preceding year, it shall not be lawful for the county auditor or treasurer to make any reduction from the duplicate of such tax, interest, or penalty, but the same shall be chargeable to the treasurer as if such receipt [had not been produced. And any treasurer, to whom such receipt] is presented, which receipt was given by his predecessor in office, shall have a right to recover of such predecessor and his securities the amount of such tax, with interest and penalty as aforesaid, as a charge upon his official bond as county treasurer.

Personal property may be distrained for tax on real estate.

SEC. 2. That when any person is charged on the duplicate with tax on real estate and tax on chattel or personal property, the payment of tax on such chattel or personal property shall not release it, whilst in his possession, from liability to be distrained for the payment of tax on such real estate, unless the person in whose name such premises are charged shall satisfy the county treasurer that the same are not his property, and are erroneously charged in his name for taxation; but the treasurer shall be authorized and required, in all cases where any person, properly charged with taxes on real estate, has personal property within the county, to distrain the same for the payment of such tax, and the county auditor shall accept from the treasurer, in his return of delinquencies, no assignment of course [cause] for such delinquency of landed estate, except that the owner is a nonresident of the county, that such premises were erroneously taxed, that no personal property could be found, or, that property when seized was not sold for want of bidders.

Duty of county auditor and treasurer.

SEC. 3. That where land or lots, liable to taxation, are held upon permanent lease, and with the improvements thereon, are taxed in the name of the lessee, if the same are suffered to become delinquent, and are brought to sale by the county auditor for the nonpayment of the tax, interest, and penalty due thereon, such sale shall be confined to the right of the lessee on the premises, and the improvements thereon, if the same shall be sufficient to meet the tax, interest, and penalty so assessed and due, provided that nothing herein contained shall be so construed as to require such lands or lots to be differently described on the duplicate or advertised in any separate or distinct form, or in any other manner than other lands and lots under the provisions of existing laws.

Land and lots under permanent lease, how to proceed when returned delinquent.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To fix and apportion the representation of the General Assembly of the State of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the General Assembly of this state shall be composed of thirty six senators and seventy two representatives, to be apportioned as follows, to wit:

Thirty six senators and seventy two representatives apportioned among the several counties.

To the county of Hamilton, two senators and four representatives, one senator to be elected each year;

To the counties of Clermont and Brown, one senator, to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven; to each, one representative, and an additional representative to be elected in common in the year eighteen hundred and forty seven;

To the counties of Montgomery and Warren, one senator, to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six; to the county of Montgomery two representatives, and to the county of Warren one representative;

To the counties of Butler and Preble, one senator, to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six; to each, one representative, and to the county of Butler an additional representative in the years eighteen hundred and forty four and eighteen hundred and forty six;

To the counties of Miami, Darke, and Shelby, one senator, to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six; to the county of Miami, one representative, and to the counties of Darke and Shelby one representative;

To the counties of Mercer, Allen, Vanwert, Putnam, Paulding, Williams, and Henry, one senator, to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven; to the counties of Mercer, Allen, and Vanwert, one representative; and to the counties of Putnam, Paulding, Williams, and Henry, one representative;

To the counties of Lucas, Wood, Hancock, and Ottawa, one senator and one representative; the senator to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six;

To the counties of Sandusky, Seneca, and Crawford, one senator, to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six; and to each county one representative;

To the counties of Delaware and Marion, one senator and one representative, the senator to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six;

To the counties of Hardin, Logan, Champaign, and Union, one senator, to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven; to the counties of Hardin and Logan, one representative, and to the counties of Champaign and Union, one representative;

To the counties of Clark, Madison, and Franklin, one senator, to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six; to the county of Clark, one representative, and to the counties of Madison and Franklin, two representatives;

To the counties of Greene, Fayette, and Clinton, one senator, to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven; to the county of Greene, one representative, and to the counties of Fayette and Clinton, one representative;

To the counties of Highland, Adams, and Pike, one senator, to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven; to the county of Highland, one representative, and to the counties of Adams and Pike, one representative;

To the counties of Scioto, Lawrence, Jackson, and Gallia, one senator, to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven; to the counties of Scioto and Lawrence, one representative, and to the counties of Jackson and Gallia, one representative;

To the counties of Ross and Hocking, one senator and one representative; the senator to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven;

To the counties of Pickaway and Fairfield, one senator, to be elected in the years eighteen hundred and forty four, and eighteen hundred and forty six; to the county of Pickaway, one representative, and to the county of Fairfield, two representatives;

To the counties of Athens and Meigs, one senator and one representative, the senator to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven;

To the counties of Perry, Morgan, and Washington, one senator, to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven; to each of the said counties, one representative, and an additional representative to the county of Morgan in the year eighteen hundred and forty seven;

To the counties of Monroe and Belmont, one senator, to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven; to each, one representative, and an additional representative to the county of Belmont, in the years eighteen hundred and forty four and eighteen hundred and forty six;

To the counties of Guernsey and Coshocton, one senator, to be elected in the years eighteen hundred and forty five and

eighteen hundred and forty seven; to each, one representative, and an additional representative, to be elected in common, in the years eighteen hundred and forty four and eighteen hundred and forty six;

To the counties of Jefferson and Harrison, one senator, to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six; and to each one representative;

To the counties of Tuscarawas and Carroll, one senator, to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven; and to each one representative.

To the county of Muskingum, one senator and one representative; and an additional representative in the years eighteen hundred and forty five and eighteen hundred and forty seven, the senator to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven;

To the county of Licking, one senator and one representative; and an additional representative in the year eighteen hundred and forty five; the senator to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six;

To the counties of Knox and Holmes, one senator, to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six; to each, one representative, and to the county of Knox, an additional representative in the years eighteen hundred and forty four and eighteen hundred and forty six;

To the county of Columbiana, one senator and one representative, and an additional representative in the years eighteen hundred and forty five and eighteen hundred and forty seven; the senator to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven;

To the county of Stark, one senator and one representative, and an additional representative in the years eighteen hundred and forty four and eighteen hundred and forty six; the senator to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six;

To the county of Wayne, one senator and one representative, and an additional representative in the year eighteen hundred and forty five; the senator to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six;

To the county of Richland one senator and two representatives; the senator to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven;

To the counties of Huron and Erie, one senator and one representative; the senator to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six;

To the counties of Lorain and Medina, one senator, to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six, and to each, one representative;

To the counties of Cuyahoga and Geauga, one senator, to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven; to each, one representative, and to the county of Cuyahoga, an additional representative in the years eighteen hundred and forty four and eighteen hundred and forty six;

To the counties of Summit and Portage, one senator, to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six; to each, one representative, and an additional representative in common, to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven;

To the county of Trumbull, one senator and one representative, and an additional representative in the years eighteen hundred and forty five and eighteen hundred and forty seven; the senator to be elected in the years eighteen hundred and forty four and eighteen hundred and forty six;

To the counties of Lake and Ashtabula, one senator, to be elected in the years eighteen hundred and forty five and eighteen hundred and forty seven; and to each, one representative.

Counties electing
judges of elec-
tion, how gov-
erned: abstracts
of counties elect-
ing in common,
where transmit-
ted.

SEC. 2. Where two or more counties elect in common senators or representatives, the judges of the election shall be governed by the provisions of the act entitled "an act to regulate elections," passed February eighteen, one thousand eight hundred and thirty one.

The abstract of votes given for senator in Clermont county shall be transmitted to the clerk of the court of common pleas of Brown county.

The abstract of votes given for senator in Warren county shall be transmitted to the clerk of the court of common pleas of Montgomery county.

The abstract of votes for senator in Preble county shall be returned to the clerk of the court of common pleas of Butler county.

The abstract of votes given for senator in the counties of Darke and Shelby shall be transmitted to the clerk of the court of common pleas of Miami county:

The abstract of votes for a representative in Shelby county shall be transmitted to the clerk of the court of common pleas of Darke county.

The abstract of votes given for senator in the counties of Mercer, Allen, Vanwert, Paulding, Williams and Henry, shall be transmitted to the clerk of the court of common pleas of Putnam county.

The abstract of votes for representative in the counties of Mercer and Vanwert shall be made to the clerk of the court of common pleas of Allen county.

The abstract of votes for representative in the counties of Paulding, Williams and Henry shall be transmitted to the clerk of the court of common pleas of Putnam county.

The abstract of votes for senator and representative in the counties of Lucas, Hancock and Ottawa, shall be transmitted to the clerk of the court of common pleas of the county of Wood.

The abstract of votes for senator in the counties of Sandusky and Crawford shall be transmitted to the clerk of the court of common pleas of Seneca county.

The abstract of votes for senator and representative in the county of Marion shall be made to the clerk of the court of common pleas of the county of Delaware.

The abstract of votes given for senator in the counties of Hardin, Champaign and Union, shall be transmitted to the clerk of the court of common pleas of Logan county.

The abstract of votes for representative in the county of Hardin shall be transmitted to the clerk of the court of common pleas of Logan county.

The abstract of votes given for representative in the county of Union shall be transmitted to the clerk of the court of common pleas of Champaign county.

The abstract of votes for senator in the counties of Clark and Madison shall be transmitted to the clerk of the court of common pleas of Franklin county.

The abstract of votes for representative in the county of Madison shall be transmitted to the clerk of the court of common pleas of Franklin county.

The abstract of votes for senator in Fayette and Clinton shall be transmitted to the clerk of the court of common pleas of the county of Greene.

The abstract of votes for representative in the county of Clinton shall be transmitted to the clerk of the court of common pleas of the county of Fayette.

The abstract of votes given for senator in the counties of Pike and Adams shall be transmitted to the clerk of the court of common pleas of the county of Highland.

The abstract of votes given for representative in the county of Pike shall be transmitted to the clerk of the court of common pleas of the county of Adams.

The abstract of votes for senator in the counties of Gallia, Lawrence and Jackson shall be transmitted to the clerk of the court of common pleas of the county of Scioto.

The abstract of votes for a representative in the county of Lawrence shall be made to the clerk of the court of common pleas of the county of Scioto.

The abstract of votes given for representative in the county of Jackson shall be transmitted to the clerk of the court of common pleas of the county of Gallia.

The abstract of votes for senator and representative in the county of Hocking shall be transmitted to the clerk of the court of common pleas of the county of Ross.

The abstract of votes given for senator in the county of Pickaway shall be transmitted to the clerk of the court of common pleas of the county of Fairfield.

The abstract of votes given for senator and representative in the county of Meigs shall be transmitted to the clerk of the court of common pleas of the county of Athens.

The abstract of votes for senator in the counties of Washington and Perry shall be transmitted to the clerk of the court of common pleas of the county of Morgan.

The abstract of votes for senator in the county of Monroe shall be transmitted to the clerk of the court of common pleas of Belmont county.

The abstract of votes for senator in the county of Coshocton shall be transmitted to the clerk of the court of common pleas of Guernsey county.

The abstract of votes for a representative in Coshocton in common with Guernsey shall be transmitted to the clerk of the court of common pleas of Guernsey county.

The abstract of votes for senator in the county of Jefferson shall be transmitted to the clerk of the court of common pleas of Harrison county.

The abstract of votes for senator in the county of Carroll shall be transmitted to the clerk of the court of common pleas of Tuscarawas county.

The abstract of votes for senator in the county of Holmes shall be transmitted to the clerk of the court of common pleas for the county of Knox.

The abstract of votes for senator in the county of Erie, as also the votes for a representative, shall be transmitted to the clerk of the court of common pleas of the county of Huron.

The abstract of votes given for senator in the county of Lorain shall be transmitted to the clerk of the court of common pleas of the county of Medina.

The abstract of votes for senator in the county of Geauga shall be transmitted to the clerk of the court of common pleas of Cuyahoga county.

The abstract of votes for senator in the county of Portage, together with the votes given for a representative in common, shall be transmitted to the clerk of the court of common pleas of the county of Summit.

The abstract of votes given for senator in the county of Lake shall be transmitted to the clerk of the court of common pleas of the county of Ashtabula.

SEC. 3. The act entitled "An act to fix and apportion the representation in the General Assembly of the State of Ohio," passed March twenty third, one thousand eight hundred and forty, is hereby repealed; provided, that such repeal shall not

affect the term of office of those senators who may have been elected under the said act of March twenty third, one thousand eight hundred and forty.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To provide for the appointment of trustees for the control of associated religious societies, and to define their powers and duties.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the passage of this act it shall be lawful for any sect or denomination of christians, within this state, to elect (at a meeting of a majority of the members of any organized church thereof, called for that purpose, of which meeting notice shall have been first given by posting up written or printed advertisements in three of the most public places in said township) any number of their members, not less than three, to serve as trustees, and one member as clerk, who shall hold their office during the pleasure of said society.

Any sect of christians may elect trustees, after giving notice.

SEC. 2. That the clerk, hereinbefore authorized to be appointed, shall forthwith make out a true record of the proceedings of the meeting provided for by the first section of this act, certify and deliver the same to the recorder of the county in which such meeting shall be held, together with the name by which such church shall thereafter desire to be known; and it shall be the duty of each county recorder in this state, immediately upon the receipt of such certified statement, to record the same in a book of record, to be by him provided for that purpose at the expense of his county; for which service he may demand and receive, from the person presenting the same, a compensation at the rate of six cents for each hundred words; and from and after making such record by the county recorder, the said trustees, and their associated members and successors, shall be invested with the powers, privileges, immunities, incident to aggregate corporations; and a certified transcript of the record, herein authorized to be made by the county recorder, shall be deemed and taken, in all courts and places whatsoever within this state, as conclusive evidence of the existence of such associated religious society.

Proceedings of meeting to be recorded by county recorder.

SEC. 3. That the trustees who may be appointed under the provisions of the second section of this act, shall have perpetual succession, and shall possess all and singular the pow-

Trustees to have perpetual succession.

To be governed
by an act for
regulation, &c.

ers and privileges granted to and shall be subject to all the restrictions imposed upon the incorporators of religious societies by an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and also the act entitled "an act securing to religious societies a perpetuity of title to lands and tenements conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five, so far as such acts are not inconsistent with the provisions of this act.

Vacancies—how
filled.

SEC. 4. That if said board of trustees, as provided for by the second section of this act, shall be vacated either in whole or in part, by death, refusal to serve, or otherwise, such board of trustees may be revived, or such vacancy or vacancies filled in the same manner as is pointed out in the second section of this act, for the original creation or organization of said board, and any two of said trustees shall be a quorum for the transaction of business.

SEC. 5. That so much of the act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, as is inconsistent with this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To provide for the holding of a special term of the Court of Common Pleas in the county of Summit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That a special term of the court of common pleas shall be held in the county of Summit on the twenty second day of April next, for the trial of criminal cases.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

Supplementary to the act entitled "An act for the inspection of Salt," passed February 3, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the inspectors of salt at the city of Cincinnati, in the county of Hamilton, at Portsmouth, in the county of Scioto, and at such other places as the inspectors of salt may hereafter be appointed in this state, shall regulate the tare of barrels as follows:—all barrels weighing less than three hundred pounds shall be tared at thirty pounds; all barrels weighing over three hundred and less than four hundred, shall be tared thirty five pounds; and all barrels weighing over four hundred pounds shall be tared forty pounds.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To abolish public executions.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter when any person shall be sentenced by the supreme court or court of common pleas of this state, to be hung, such punishment shall be inflicted in the immediate vicinity of the jail, within an inclosure to be prepared for that purpose, under the direction of the sheriff, which inclosure shall be higher than the gallows, and so constructed as to exclude the view of persons outside thereof.

Punishment to be inflicted within an inclosure.

SEC. 2. That, besides the prisoner, the sheriff, and his assistants, the following persons may be present within the inclosure at the time of the execution, and none others:—the judges of the court of common pleas of the county, the county officers of the county, the clergymen in attendance upon the prisoner, such other persons as the prisoner may designate, not exceeding three in number, and such other persons as the sheriff may designate, not exceeding six in number. No other person shall be allowed to witness such execution.

Persons admitted within, &c.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To regulate the practice of the Judicial Courts.

Suits may be brought against all the original makers and indorsers.

Defendants may make separate defences.

Cost to be recovered only in one suit.

New trial not to be granted on account of objection to form of action, &c.

Writ of certiorari may be allowed—directed to justice of the peace in cases of recognizance or the decision is final:

Cases for wrong trespass may be brought—trespass in the case may be brought to recover damages.

This act not to affect joint suits—separate actions to be consolidated.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all actions brought by the lawful holder of any promissory note, due bill, or bill of exchange, the plaintiff or plaintiffs may commence and prosecute a joint action for money had and received against all the original makers and indorsers thereof, and may give such note or bill in evidence; and each of the defendants may plead separate pleas and make separate defences, and if, upon the trial, any one or more of the defendants should make a successful defence, the court may, nevertheless, render judgment against the balance of said defendants, and if any holder of any note, due bill, or bill of exchange, shall commence and prosecute separate actions against such makers or indorsers, he shall not recover costs in more than one of such actions.

SEC. 2. That no new trial shall be granted or judgments be arrested or writ of error allowed, after trial or judgment in the court of common pleas or supreme court, on account of any objection to the form of action in which the plaintiff may have declared, or on account of any technical objection to the declaration or other part of the pleadings, in case the facts are substantially alledged, which the party was bound to prove on the trial in order to entitle him to a recovery.

SEC. 3. That writs of certiorari may be allowed, directed to justices of the peace, to cause their proceeding, in prosecutions for offences where the defendant is not recognized, or the decision of the justice is final, to be brought before the court of common pleas, in order that right and justice may be done, and the writ shall be allowed and the proceedings had in the manner prescribed by law in civil cases.

SEC. 4. That where, by the wrongful act of any person or persons, an injury is produced either to the person or personal property or rights of another, or his servant, child, or wife, for which an action of trespass may by law be brought, an action of trespass in the case may be brought to recover damages for such injuries, whether it was wilful or accompanied by force or not, and whether such injury was a direct and immediate consequence from such wrongful act, or whether it was consequential or indirect.

SEC. 5. That joint actions, pending against the makers and indorsers of any note or bill of exchange, may be prosecuted to judgment, as if commenced under this act, and separate actions pending against makers and indorsers, may be consolidated at any time before trial.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To amend the act passed March 13, 1843, for the preservation and repair of the National Road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the rates of toll as prescribed by the act for the preservation and repair of the National Road, passed March thirteenth, one thousand eight hundred and forty three, shall not be changed by the board of public works only by way of equalizing the same, but shall be continued and charged until otherwise directed by law.

Rates of toll not to be changed.

SEC. 2. That it shall not be lawful for the board of public works, or resident engineer of said road, to make contracts for repairing the National Road, or for other purposes, for a longer period than one year.

Contracts for repairing, &c., not to be made for over one year.

SEC. 3. That all acts or parts of acts in relation to the National Road, which conflicts with the provisions of this act, be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To amend the act relating to wills, passed March 23, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That when a last will and testament is admitted to probate, or a will made out of this state is admitted to record, as provided by law, and any lands, tenements, or hereditaments are given or devised by any such will to the executors therein named, or any of them to be sold or conveyed, or such estate shall be thereby ordered to be sold by such executors, or any of them, and any one or more of the executors so named, die, refuse to act, resign, or are removed, or neglect to take upon themselves the execution of the will, then all sales and conveyances of said estate, by the executor or executors, or administrator de bonis non, with the will annexed who takes upon himself or themselves, in this state, the execution of the will, or the survivor or survivors of them shall be equally valid, as if the residue of executors or administrators, with the will annexed, had joined in the sale and conveyance; but if none of the executors named in such will take upon themselves the execution thereof, or if all the executors who take out letters testamentary, die or are removed before the sale and conveyance of such estate, or die, resign, or are re-

In case of death or refusal to act as executor or administrator, a conveyance may be made by survivors.

Should all die or resign, such conveyance may be made by administrator de bonis non;

—But estates in course of settlement may be settled as if this act had not passed.

moved after the sale and before a conveyance is made, the sale or conveyance, or both, shall be made by the administrator de bonis non, with the will annexed; provided that the estates of deceased persons, in the progress of settlement under the laws in force at the time of the death of the testator, and under the said law to which this is an amendment, shall be settled in the same manner as if this act had not been in force.

SEC. 2. That so much of the law to which this is an amendment as is inconsistent therewith, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 12, 1844.

AN ACT

To regulate the mode of settlement of accounts between the different departments connected with the Public Works, and for other purposes.

Superintendent and resident engineer to take an oath, and give bonds;

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That each superintendent and resident engineer on the public works, before he shall enter upon the duties of his appointment shall take an oath faithfully and honestly to do and perform all the duties of his office, according to law, to the best of his skill and abilities; and shall enter into bonds, to the State of Ohio, with at least two responsible sureties, resident in this state, to be accepted by the board of public works, in the sum of one thousand dollars, conditioned for the faithful and honest performance of all his duties as such officer, which said bond shall be deposited in the office of the board of public works, with the oath, aforesaid, indorsed thereon, and every official act of such resident engineer and superintendent, shall be taken to have been performed under his said oath of office.

Superintendent to render quarterly statements to resident engineer;

SEC. 2. It shall be the duty of each superintendent to render quarterly statements of his accounts to the resident engineer, in which he shall give the date and amount of each item of expenditure, specifying the time, place and amount of labor performed, the rate of compensation allowed per day, week, or month, as the case may be, with the names of the persons performing such labor or contract, together with a list of the articles purchased, and other incidental expenses incurred, with the date of each item of expenditure, and the names of the persons entitled to compensation in the amount so rendered.

—What they shall contain.

Resident Engineer, duty of—

SEC. 3. That each resident engineer shall make quarterly settlements with the several superintendents of the public

works under his charge, and the vouchers and accounts of the superintendents, as allowed by him, shall remain in the possession of said engineer, as vouchers for the certificate which he shall issue; and he shall certify to the acting commissioner of public works that he has examined the account of the superintendent, and allowed the amount for which he has drawn the certificate, and a full copy of said account, allowed by the engineer, shall be deposited with the acting commissioner before he issues his check on the treasurer of state, for the sum specified in the certificate of the engineer.

—to make quarterly settlements with superintendents;
— And to certify to the acting commissioner of public works.

Sec. 4. That each acting commissioner of the board of public works, shall, on the 15th day of each month, make out triplicate schedules of the checks he has issued, giving the number, date and amount of each check, specifying also the work and contract upon which the labor has been performed, one of which shall be transmitted to the auditor of state, one to the treasurer of state, and one to the acting commissioner of the Ohio canal fund.

Each acting commissioner to make out schedules of checks issued, &c.

To whom to be transmitted.

Sec. 5. That each acting commissioner of the board of public works shall settle with the acting commissioner of the canal fund on the fifteenth days of May and November in each year; and on such settlement the receipts or vouchers for every check issued shall be filed and deposited in the office of the commissioners of the canal fund, and duplicate schedules of the receipts or vouchers so filed and deposited, shall be made out by the acting commissioner of the canal fund, one of which shall be transmitted to the auditor of state, and the other to the treasurer of state.

To settle with the acting commissioner of the canal fund.

Sec. 6. That the checks of each acting commissioner of the board of public works, when redeemed by the state treasurer, shall, after examination and comparison by the auditor with the schedule of payments hereinafter provided to be made by the treasurer to the auditor, remain in the office of the treasurer, as his vouchers for the money appropriated by the commissioners of the canal fund for the payment of said checks; and the treasurer shall, on the 15th days of January, March, May, July, September and November, make out duplicate schedules of the checks he has redeemed, one of which shall be deposited with the auditor of state, and the other with the commissioners of the canal fund.

Checks of acting commissioner of board of public works when redeemed and compared by auditor shall remain in office of state treasurer;

—Treasurer to make out duplicate schedules of checks redeemed, &c.;

Sec. 7. That the state treasurer shall not be authorized to pay the check of any acting commissioner of the board of public works, other than those issued on his unrestricted account, unless the same shall be accompanied with the certificate of the resident engineer, and no indorsement on any check or statement that the amount of such check is included in a former certificate shall be received by the treasurer, instead of such certificate of the engineer.

Not to pay check of any acting commissioner of board of public works, &c., unless accompanied with certificate of resident engineer.

Sec. 8. That it shall not be lawful for any acting commissioner to deliver to any person any check, or check book, signed in blank as such acting commissioner; nor shall he employ

Acting commissioner prohibited from delivering blank checks, &c.

—Nor shall he employ an agent for that purpose.

—But he shall attend in person, at convenient places, as often as once in three months for the purpose of paying out checks;

—Not to pay out checks at any other time, except in case of sickness.

Board of public works to make out annual account.

any agent to deliver his check to the person entitled thereto, but shall, at stated periods, hereinafter mentioned, attend in person, for the purpose of paying out his check to the persons entitled thereto.

SEC. 9. That it shall be the duty of each acting commissioner to attend in person on the line of the work, under his charge, at such places as convenience may require, to be designated by the board of public works, and made public in such manner as they shall direct, at regular periods, as often as once in three months, for the purpose of paying out his check to persons entitled thereto, on the certificates of the resident engineers; and it shall be unlawful for any acting commissioner to pay out his check at any other times than as in this section prescribed, provided that if sickness, or other unavoidable casualty, shall prevent the attendance of the acting commissioner at such times, he shall deliver his checks to persons so entitled thereto, afterwards, on request by such persons.

SEC. 10. It shall be the duty of the board of public works annually, or before the 15th day of November, to make out and file in the office of the auditor of state their annual account.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

THOMAS W. BARTLEY,

Speaker of the Senate.

March 13, 1844.

AN ACT

To provide for the reduction of the fees now allowed to Sheriffs for keeping and providing for prisoners in jail.

Court of common pleas to fix the price.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sheriffs of the several counties in this state, except the county of Hamilton and the county of Cuyahoga, shall hereafter be allowed such sum as the court of common pleas shall, from time to time, order, not exceeding the sum of twenty five cents per-day for keeping and providing for a prisoner in jail.

SEC. 2. That so much of the act entitled "an act regulating the fees of sheriffs in civil and criminal cases," passed March thirteenth, one thousand eight hundred and thirty seven, as conflicts with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

THOMAS W. BARTLEY,

Speaker of the Senate.

March 13, 1844.

AN ACT

Further to amend an act entitled "An act to amend the act entitled 'An act to authorize County Recorders to transcribe records in certain cases,'" passed February 4, 1837, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That where any deed or other instrument of writing for the sale, conveyance, or incumbrance of any lands, tenements, or hereditaments, situate within this state, which has been or may hereafter be recorded among the records of deeds, &c., of any county of this state, other than the county in which such lands, tenements, or hereditaments are situate, whether said county in which said deed or other instrument of writing ever comprised a part of the territory in which said lands, tenements, and hereditaments are situate, or not, any person interested therein may procure, from the records of the county in which said deed or other instrument is recorded, a duly certified copy of such record from the recorder of said county, with his seal of office affixed thereto, and cause the same to be recorded in the county where said lands, tenements, and hereditaments lie, in the same manner as other deeds and instruments are required to be recorded; and in making such record, the certificate aforesaid shall be recorded with said copy, and the record of such copy and certificate shall have the same validity and legal effect as the record of other deeds and instruments of writing.

How record, in county where the land is not situate, may be transcribed.

SEC. 2. That after such certified copy shall have been recorded as aforesaid, in the county wherein such lands, tenements, and hereditaments are situate, copies thereof, duly certified by the recorder of the county, with his seal of office thereto affixed, shall be received in evidence, in the same manner, and shall have the same force and effect as is by law given to copies of other records of deeds, mortgages, powers of attorney, and other instruments of writing, for the sale, conveyance, or incumbrance of lands, tenements, or hereditaments, situate in the county in which such record has been made.

Certified copies of the same to be received in evidence.

SEC. 3. That the county recorder, county auditor, sheriff, and county treasurer, of each county in this state, shall keep his office at the county seat of his county, and on his failure so to do, the office shall be considered vacant, and the proper authorities shall proceed forthwith, on application of any person aggrieved by the neglect of said officers, to fill said vacancy as in other cases.

Certain county officers to keep their offices at county seat.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 13, 1844.

AN ACT

Making appropriations for the year one thousand eight hundred and forty four.

Appropriation;	SEC. 1. <i>Be it enacted by the General Assembly of the State of Ohio,</i> That the following sums be and they are hereby appropriated out of any moneys in the treasury, not otherwise appropriated, to be paid for the year one thousand eight hundred and forty four, viz:
Payment of members of general assembly, &c.	For the payment of members of the general assembly, their clerks, assistant clerks, sergeant-at-arms, doorkeepers, and messengers, a sum not exceeding thirty five thousand dollars;
Salaries of state officers.	For paying the salaries of the governor, auditor, treasurer, and secretary of state, librarian, superintendent of the lunatic asylum, and chief clerks in the auditor's office, the sum of seven thousand four hundred dollars;
Judges;	For paying the salaries of the judges of the supreme court, the president judges of the courts of common of pleas, and the judge of the superior court of Cincinnati, and the reporter of the decisions of the supreme court, the sum of twenty four thousand four hundred and ninety dollars;
Public works;	For paying the salaries of the board of public works, the sum of twenty five hundred dollars;
State printer;	For paying the state printer for his services, a sum not exceeding fifteen thousand dollars;
Wolf scalps;	For paying bounty on wolf scalps, a sum not exceeding fifteen hundred dollars;
Militia officers;	For paying the expenses of adjutant and quartermaster generals and brigade inspectors, a sum not exceeding three thousand dollars;
Contingent fund of governor;	For contingent fund of the governor, a sum not exceeding one thousand dollars;
Sec'y of state;	For contingent fund of the secretary of state, a sum not exceeding one thousand dollars;
Treas'r of state;	For contingent fund of the treasurer of state, a sum not exceeding twelve hundred dollars;
Auditor of state;	For contingent fund of the auditor of state, including one thousand dollars for new entries, three thousand dollars;
Purchase of wood;	For the purchase of wood for the next general assembly and the public offices, a sum not exceeding five hundred dollars;
Bounty on silk;	For bounty on silk, paid prior to March sixteen, one thousand eight hundred and forty two, one hundred and fifty dollars;
Treasurers' mileage;	For the payment of treasurers' mileage, a sum not exceeding twelve hundred dollars;
Distribution of laws, &c.;	For the distribution of the laws and journals, a sum not exceeding one thousand dollars;
Public arms;	For the distribution, cleaning, and storing public arms, a sum not exceeding two thousand dollars;
State library;	For the state library, a sum not exceeding five hundred dollars;

For the payment of postage of the speakers, members, and officers of senate and house of representatives, a sum not exceeding twenty three hundred dollars; Postage;

For salary and expenses of bank commissioner, a sum not exceeding one thousand dollars; Bank commissioner;

For the support of the lunatic asylum, a sum not exceeding seven thousand dollars; Lunatic asylum;

And, in addition, for the erection of the new building for the asylum, ten thousand dollars;

For the deaf and dumb asylum, for repairs of the building, and to discharge the debt of the institution, three thousand dollars; Deaf and dumb asylum;

For the blind asylum, a sum not exceeding twenty five hundred dollars; Blind asylum;

For the expenses of courts martial, fifteen hundred dollars; Courts martial;

For double entries, a sum not exceeding twelve hundred dollars;

For board of equalization, to cover payments made, five dollars and twenty cents;

For the salary and expenses of the acting fund commissioner, for the years one thousand eight hundred and forty three and one thousand eight hundred and forty four, a sum not exceeding seventeen hundred dollars; Fund commissioner;

For the salary of the secretary of the fund commissioners, for the years one thousand eight hundred and forty three and one thousand eight hundred and forty four, a sum not exceeding one thousand dollars;

For the appraisers of canal lands, (paid in one thousand eight hundred and forty three,) the sum of six hundred and eighteen dollars and seventy six cents;

For repairs of state house and public offices, a sum not exceeding one thousand dollars;

For the claim of James Taylor, for making out list for appraisers of public lands, the sum of one hundred and sixty two dollars;

For the claim of Dwight Stone & Co., the sum of eleven dollars;

For the claim of Brunson & McLene, the sum of eight dollars and six cents;

For the claim of A. Sites & Son, eighty seven and a half cents;

For the claim of John Westwater & Son, sixty three cents;

For the claim of Chester Mattoon, three dollars and twenty five cents;

For the claim of A. W. Reader, the sum of thirty three dollars and ninety cents;

That all appropriations, hereby made, are in addition to the unexpended balances of former appropriations.

For paying the account of O. W. Sherwood, the sum of nine dollars and twenty one cents;

For paying Jacob Boswell, twenty eight dollars and twenty five cents;

For paying Stewart & Higgins, nine dollars and ninety eight cents;

For paying Wm. Domigan, one hundred and sixty nine dollars and sixty nine cents;

For paying Whiting and Huntington, eighteen dollars and forty one cents;

For paying S. D. Preston & Co., three hundred and thirty dollars and thirty eight cents;

For paying Jacob Boswell, sixty one dollars and ten cents;

For paying James Stephens, twenty four dollars and fifty cents;

For paying Christian Betz, thirty nine dollars;

For paying O. P. Hines, twenty two dollars and twenty five cents;

For paying S. E. Wright & Co., twenty two dollars and fifty cents;

For paying James Aston, one hundred and sixty two dollars and thirty cents;

For paying Wm. M. Savage, three dollars;

For paying Andrew Sites, one dollar and fifty cents;

For paying Warren Young, seventeen dollars;

For paying E. Ayres, nine dollars and seventy five cents;

For procuring a philosophical apparatus for the institution for the education of the blind, one hundred and fifty dollars;

For paying Chester Mattoon, eleven dollars;

For clothing indigent pupils in the deaf and dumb asylum, one hundred dollars;

For clothing indigent pupils in the institution for the education of the blind, one hundred dollars;

For repairing and fitting up the old penitentiary building for state armory, four hundred dollars;

That the sum of five hundred and eighty one dollars and twenty nine cents, paid by the superintendent of the Ohio lunatic asylum in part for guarding convicts, while employed in preparing materials for enlarging the said asylum in the year one thousand eight hundred and forty three, be and the same is hereby charged to the Ohio penitentiary, and the warden thereof is hereby authorized and required to repay the same to the superintendent of the said asylum for the use thereof; and the said warden of the penitentiary is hereby required to pay all expenses of guarding such convicts as may hereafter be employed on the said lunatic asylum.

SEC. 2. That the tax hereafter to be levied, for revenue purposes, shall be one mill on the dollar on the grand duplicate.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

THOMAS W. BARTLEY,

Speaker of the Senate.

March 13, 1844.

Warden of penitentiary to repay to superintendent of lunatic asylum money paid for guarding prisoners;

Tax for state purposes;

AN ACT

Making certain appropriations therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums be and they are hereby appropriated out of any money in the treasury not otherwise appropriated, viz:

For the payment of awards of damages on the Hocking canal, fourteen thousand four hundred and forty five dollars; for the payment of checks for construction on the Hocking canal, fifteen thousand three hundred and sixty five dollars and seventy six cents. Damages on the Hocking canal;

For the payment of awards of damages on the Muskingum Improvement, eleven hundred and fifty dollars; for the payment of checks for construction on the Muskingum Improvement, twenty five thousand dollars. Muskingum Improvement;

For the payment of awards of damages on the Wabash and Erie canal, fifteen thousand four hundred and seventy dollars; for the payment of checks for construction on the Wabash and Erie canal, forty three thousand five hundred and twenty nine dollars and sixty three cents; for the payment of claims on the Wabash and Erie canal, eleven thousand dollars. Wabash and Erie canal;

For the payment of awards of damages on the Western Reserve and Maumee Road, thirteen hundred and twenty dollars; for the payment of checks for construction on the Western Reserve and Maumee Road, fifteen thousand and seventeen dollars and ninety six cents. Western Reserve and Maumee Road;

For the payment of awards of damages on the Miami Extension canal, eleven thousand dollars; for the payment of checks for construction on the Miami Extension canal, fifty six thousand dollars, including the pay of engineers, and incidental expenses. Miami Extension Canal;

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate,

March, 13 1844.

AN ACT

To secure an early distribution and publication of laws of a general nature.

State printer—
his duty.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the state printer to print the laws of a general nature, of the present and each succeeding legislature, immediately after the adjournment thereof.

Duty of secretary of state.

SEC. 2. That as soon as the general laws of the present and each succeeding legislature are printed, it shall be the duty of the secretary of state to forward, by mail, two copies of such laws to the clerk of the court of common pleas, and two copies to the auditors of the respective counties of this state.

County auditor
to contract for
publishing laws;

SEC. 3. That the auditor of any county within this state may contract, by and with advice and consent of the county commissioners, for the publication of the general laws of the present and each succeeding legislature, or such of them as may be considered of general interest, in not more than two newspapers, at a cost not exceeding the sum of twenty five cents per thousand ems, to be paid out of the county treasury, provided said laws are published correctly.

—And compare
and certify.

SEC. 4. That it shall be the duty of the auditors of the several counties in which contracts may be made for the publication of the laws, to read and compare said laws in newspapers before their publication, and see that they are printed correctly, and accompany them with a certificate to that effect.

JOHN M. GALLAGHER,
Speaker of the House of Representatives,
THOMAS W. BARTLEY,
Speaker of the Senate.

March 13, 1844.

SECRETARY OF STATE'S OFFICE,

COLUMBUS, OHIO, *April 20, 1844.*

I certify the foregoing acts to be correctly copied from the original rolls on file in this department.

SAML. GALLOWAY,
Secretary of State.

INDEX TO GENERAL LAWS.

APPORTIONMENT.

	Page.
To fix and apportion the representation of the General Assembly of the State of Ohio.....	63

APPROPRIATIONS.

For the year one thousand eight hundred and forty four	78
Making certain appropriations therein named.....	81

ATTORNEYS AND COUNSELLORS AT LAW.

To regulate the fees of.....	28
------------------------------	----

BANKS.

To amend the act entitled "An act to incorporate the Bank of Wooster," passed February 14, 1834, and to repeal so much of the 19th section of the act entitled "An act to amend the act entitled 'An act to regulate Banking in Ohio,' passed February 21, 1843, as relates to said Bank of Wooster, and for other purposes.....	19
To amend the several acts incorporating the Bank of Sandusky, Bank of Norwalk, Bank of Xenia, Lafayette Bank of Cincinnati, and for other purposes.....	40

BANK COMMISSIONERS.

An act to reduce the number of.....	37
-------------------------------------	----

CANAL FUND.

To make permanent certain transfers to Canal Fund.....	9
--	---

CANADA THISTLE.

To prevent the introduction and spreading of.....	37
---	----

COMMISSIONER OF DEEDS.

To authorize the Governor to appoint in other states.....	5
---	---

COURTS.

Fixing the times of holding the Supreme Court for the year 1844	9
To amend the act fixing the times of holding the Supreme Court for the year 1844.....	12
Fixing the times of holding the Court of Common Pleas.....	12

COURTS—continued.

	Page.
To regulate the times of holding the Court of Common Pleas in the county of Cuyahoga.....	17
To amend an act fixing the times of holding the Court of Common Pleas, passed February 13, 1844.....	44
To amend the act fixing the times of holding the Court of Common Pleas in the eleventh circuit and in the county of Delaware, of the twelfth circuit	45
To amend an act fixing the times of holding the Court of Common Pleas, passed March 13, 1844... ..	46
Fixing permanently the times of holding the Court of Common Pleas in the fifteenth circuit	47
To provide for the holding of a special term of the Court of Common Pleas in the county of Summit.....	70
To regulate the practice of	72

COUNTY AUDITORS.

Further to amend the act entitled an act prescribing the duties of County Auditors	27
--	----

COUNTY RECORDERS.

Further to amend an act entitled an act to amend the act entitled an act to authorize County Recorders to transcribe records in certain cases, passed February 4, 1837, and for other purposes	77
--	----

COUNTY TREASURERS.

Further defining the duties of, and for other purposes.....	62
---	----

CRIMINAL CASES.

Further to provide for the collection of costs in.....	30
To amend the act entitled an act directing the mode of trial in criminal cases, passed March 7, 1831, and also to amend the act entitled an act to allow writs of error in criminal cases, passed March 7, 1831	52

DEAF AND DUMB ASYLUM.

In relation to.	8
-------------------------	---

DEEDS.

To authorize the Governor to make deeds for vacated gate lots on the National Road.....	51
---	----

ENUMERATION.

To amend the act entitled an act regulating the mode of taking the enumeration of white male inhabitants above the age of twenty one years, passed March 10, 1827	3
---	---

ESTATES OF DECEASED PERSONS.

To amend the act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840	52
---	----

FENCEVIEWER.

To abolish the office of, and for other purposes	Page. 4
--	------------

FORCIBLE ENTRY AND DETAINER.

To regulate proceedings in	4
----------------------------------	---

FRAUDULENT PRACTICES.

To prevent	49
------------------	----

HOMICIDAL INSANITY.

In relation to	36
----------------------	----

IMPEACHMENT.

Providing for the taking of testimony to be used before the House of Representatives in cases of impeachment	38
---	----

INSOLVENT DEBTORS.

To amend the act entitled an act for the relief of insolvent debt- ors	29
---	----

INSPECTION.

In addition to an act to provide for the inspection of salt, passed February 3, 1840	33
Supplementary to the act entitled an act for the inspection of salt, passed February 3, 1840	71

JUDGMENTS AND EXECUTIONS AT LAW.

Explanatory of the fifth clause of the first section of the act en- titled an act to amend an act entitled an act to regulate judg- ments and executions at law, passed March 9, 1840	28
---	----

JURIES.

To amend an act entitled an act relating to juries, passed Febru- ary 9, 1831	31
--	----

JUSTICES OF THE PEACE AND CONSTABLES.

To amend the act entitled an act defining the powers and duties of, in civil cases, passed March 14, 1831	45
--	----

LAND OFFICES.

For the correction of errors in making entries in	6
---	---

LAWS AND JOURNALS.

To amend the act for the distribution and safe keeping of the laws and journals, passed March 12, 1831	32
To secure an early distribution of the laws of a general nature,	82

LEGAL ADVERTISEMENTS.

Fixing the prices of printers for the insertion of	43
--	----

MEMBERS OF GENERAL ASSEMBLY.

	Page.
To reduce the compensation of, and certain other state and county officers, and for other purposes.....	21

MILITIA.

To regulate.....	53
------------------	----

MINISTERIAL AND SCHOOL LANDS.

To amend the act to regulate the sale of and the surrender of permanent leases thereto, passed February 2, 1843.....	43
--	----

NATIONAL ROAD.

To amend the act passed March 13, 1843, for the preservation and repair of.....	73
---	----

PENITENTIARY.

To amend the law in relation to	42
---------------------------------------	----

PETITIONS.

To amend the act entitled an act to regulate the mode of petitioning the legislature in certain cases, passed February 21, 1824.....	46
--	----

PUBLIC EXECUTIONS.

An act to abolish public executions.....	71
--	----

PUBLIC WORKS.

To regulate the mode of settlement of accounts between the different departments connected with, and for other purposes.....	74
--	----

RECORDS.

To dispense with in certain cases and recording depositions.....	47
--	----

RELIGIOUS SOCIETIES.

To provide for the appointment of trustees for the control of associated religious societies, and to define their powers and duties	69
---	----

ROADS AND HIGHWAYS.

To amend the act entitled an act for opening and regulating Roads and Highways, passed March 14, 1831.....	18
--	----

SCHOOLS.

To amend the act entitled an act for the support and better regulation of common schools, and to create permanently the office of Superintendent, passed March 7, 1838.....	48
---	----

SCHOOL FUND.

To increase the revenue of the state common school fund and make permanent the transfers thereto.....	38
---	----

SCHOOL LANDS.

	Page.
To amend the act entitled an act to extend the time of payment to purchasers of school lands in this state.....	39

SHERIFFS.

To provide for the reduction of the fees allowed to for keeping and providing for prisoners in jail.....	76
--	----

SUPERVISORS.

To provide for the election of by the citizens of each road district	7
--	---

TAXES.

Further to amend the act entitled an act pointing out the mode of levying taxes, passed March 14, 1831.....	61
---	----

TOLLS.

To provide for a more uniform system of charging and collecting tolls on Turnpike roads.....	44
--	----

WEIGHTS AND MEASURES.

To amend the act regulating.....	7
----------------------------------	---

WILLS.

To amend the act, passed March 23, 1840	73
---	----

**TITLES OF THE ACTS OF A LOCAL NATURE,
PASSED BY THE FORTY SECOND GENERAL ASSEMBLY.**

BANK OF GEAUGA.

	Page.
An act to authorize the trustees of the creditors and stockholders of the Bank of Geauga to distribute its assets among its stockholders, passed March 12, 1844	204

BRIDGE COMPANIES.

An act to incorporate the Hocking Tollbridge Company, passed January 22, 1844	15
An act to extend the "act to incorporate the Evansburg Bridge, in the county of Coshocton," passed February 28, 1838	23
An act to incorporate the Blanchard River Bridge Commissioners, passed March 6, 1844	147

CANAL COMPANIES.

An act to revive and continue the act to incorporate the Cincinnati and Whitewater Canal Company,	5
---	---

CEMETERIES.

An act to change the name of the German Catholic Cemetery Association of Cincinnati, passed December 30, 1843	4
An act to incorporate the German Protestant Cemetery of Cincinnati, passed February 3, 1844	34
An act to incorporate the Cemetery Company of Miller township, Knox county, passed February 23, 1844	96
An act to incorporate the Woodshade Cemetery Association of Springfield, passed March 12, 1844	185
An act to repeal the act entitled "act to change the name of the German Catholic Cemetery Association of Cincinnati," passed December 30, 1843, passed March 12, 1844	223

CHURCHES.

An act to amend the act entitled "an act to incorporate New Church Western Convention of Cincinnati, passed March 4, 1844	112
An act to authorize the Trustees of the Methodist Episcopal Church, of Mogadore, in the county of Summit, to deed a certain village lot, passed March 5, 1844	134

12—G. L.

CHURCHES—Continued.

	Page.
An act to authorize the Trustees of the Methodist Episcopal Church of the west half of lot number 91, in the town of Bellbrook, to sell and convey said premises, passed March 6, 1844.....	147
An act to authorize the Trustees of the Methodist Episcopal Church, in Congress, Wayne county, to convey certain real estate, passed March 12, 1844.....	179
An act to authorize the sale of certain real estate belonging to the Winchester Union Church, in the county of Preble, passed March 12, 1844.....	182
An act to incorporate the First Wesleyan Methodist Church, in Piqua, in the county of Miami, passed March 12, 1844.....	219
An act to incorporate sundry churches therein named, passed March 12, 1844.....	235

COUNTIES.

An act to authorize the County Commissioners of Summit county to levy an additional tax for county purposes, passed January 17, 1844.....	8
An act to authorize the commissioners of Columbiana county to abolish the Board of Fund Commissioners of said county, passed February 13, 1844.....	68
An act to enable the county commissioners of Hamilton county to protect from injury, and keep in repair, all McAdamized roads belonging to said county, passed February 15, 1844.....	72
An act to provide for making settlement with the treasurer of Lucas county, passed February 24, 1844.....	96
An act requiring indexes to be made to the records of the surveys in Fairfield county, passed February 24, 1844.....	98
An act to provide for the more effectual punishment of certain offences in the county of Scioto, passed February 26, 1844.....	104
An act to provide for the more effectual punishment of certain offences in the county of Franklin, passed March 4, 1844.....	118
An act to punish the crime of petit larceny within the county of Brown, passed March 4, 1844.....	124
An act to provide for the more effectual punishment of certain offences in the county of Warren, passed March 5, 1844.....	134
An act to provide for the permanent improvement of roads and highways in the county of Hamilton, and for other purposes, passed March 6, 1844.....	141
An act to extend to Summit county certain provisions of an act entitled "an act to provide for the collection and payment of costs, in prosecutions for minor offences in the county of Cuyahoga," passed March 20, 1841—passed March 6, 1844.....	153
An act to authorize the commissioners of Ashtabula county to transfer the bridge fund, in the treasury of said county, to the general county fund, passed March 6, 1844.....	157
An act to authorize the commissioners of Butler county to levy a tax for certain purposes, passed March 12, 1844.....	193
An act to repeal an act authorizing the commissioners of Perry county to subscribe to the capital stock of turnpike road companies, passed March 12, 1844.....	230

COUNTIES—Continued.

	Page.
An act to amend an act entitled "an act to regulate the fees of certain officers and witnesses in Hamilton county, and for other purposes," passed March 10, 1843, passed March 13, 1844	243

COURTS.

An act authorizing the court of common pleas, in the county of Franklin, to hold special sessions of said court in the year 1844, passed February 3, 1844.....	42
--	----

DIVORCES.

An act to divorce Delia A. Covington from her husband John Covington, passed March 4, 1844	113
An act to divorce Elvira S. Harmon from her husband Josiah Harmon, passed March 4, 1844.....	124
An act to amend an act entitled "an act to divorce Lois Jane O'Harra from her husband Manuel C. O'Harra," passed March 13, 1843, passed March 12, 1844.....	229
An act to divorce David Geiselman from his wife Sarah Geiselman, passed March 12, 1844.....	230

FIRE COMPANIES.

An act to extend to the members of the Washington Fire Engine Company of the town of Mount Vernon, the benefits of an act entitled "an act to encourage the organization of Fire Companies," passed March 13, 1843, passed January 17, 1844.....	7
An act to incorporate the Plymouth Hook and Ladder Company, passed January 29, 1844,.....	22
An act to incorporate Fire Company, number one, of the town of Bucyrus, in the county of Crawford, passed February 3, 1844 ...	30
An act to incorporate Fire Company, number one, of Kingston, in the county of Ross, passed February 26, 1844	106
An act to extend to the members of the Perry Engine Company number one, of Massillon, Stark county, the benefits of an act entitled "an act to encourage the organization of Fire Companies," passed March 13, 1843, passed February 26, 1844.....	107
An act to incorporate Newark Fire Company, number one, passed March 5, 1844.....	137
An act to incorporate the Fire Engine and Hose Company, number one, of Bucyrus, Crawford county, passed March 6, 1844....	140
An act to incorporate the Independence Fire Engine and Hose Company, number one, of Miamisburg, in the county of Montgomery, passed March 12, 1844.....	170
An act to incorporate Fairmount Fire Company of Canton, Stark county, passed March 12, 1844.....	171
An act to incorporate the Mutual Protection Engine Company, number two, in the town of Eaton, passed March 12, 1844.....	171
An act to incorporate the Mount Sterling Hook and Ladder Company, in the county of Muskingum, passed February 3, 1844.....	34
An act to incorporate the New Richmond Hook and Ladder Company, in the county of Clermont, passed March 12, 1844.....	192

FORFEITED LANDS.

	Page.
An act to provide for the sale of forfeited lands and lots in the county of Wood, passed February 15, 1844.....	71

INSURANCE COMPANIES.

An act to amend the act entitled "an act to incorporate the Canal Insurance Company of Cincinnati," passed March 10, 1836, passed January 19, 1844	10
An act to amend an act entitled "an act to incorporate the Firemen's Insurance Company of Cincinnati," passed the 9th day of June 1832, passed January 19, 1844	12
An act to amend an act entitled "an act to incorporate the Manufacturer's Insurance Company of Cincinnati," passed March 15, 1838, and amended March 29, 1841, passed January 31, 1844	27
An act to amend the act entitled "an act to incorporate the Portage County Mutual Fire Insurance Association," passed the 11th day of January 1832, passed February 3, 1844	37
An act to amend the act entitled "an act to incorporate the Medina County Mutual Fire Insurance Company," passed March 16, 1841, passed February 3, 1844	39
An act to amend an act entitled "an act to incorporate the Washington Insurance Company of Cincinnati," passed 14th day of March 1836, passed January 31, 1844	51
An act to amend an act entitled "an act to incorporate the Cincinnati Insurance Company," passed on the 7th day of February, 1829, passed January 31, 1844	53
An act to incorporate the Montgomery County Mutual Fire Insurance Company, passed February 3, 1844.....	86
An act to amend the act entitled "an act to incorporate the Ohio Mutual Fire Insurance Company," passed March 11, 1843, passed March 12, 1844.....	213

LODGES.

An act to incorporate Hope Lodge, No. 16, of the Independent Order of Odd Fellows, at Middletown, in Butler county, passed February 12, 1844.....	60
An act to incorporate Lebanon Lodge, No. 15, of the Independent Order of Odd Fellows, Warren county, Ohio, passed February 19, 1844	78
An act to incorporate the Chillicothe Lodge, No. 24, of the Independent Order of Odd Fellows, of Chillicothe, Ohio, passed March 12, 1844.....	169
An act to incorporate the Grand Lodge of Free and Accepted Masons, passed March 12, 1844.....	207
An act to incorporate Warren Lodge, No 11, of the Independent Order of Odd Fellows, at Franklin, Warren county, Ohio, passed March 11, 1844..	220

MANUFACTURING COMPANIES.

An act to incorporate the Geneva Manufacturing Company, passed January 13, 1844.....	6
An act to incorporate the Lowell Manufacturing Company, in Washington county, passed March 12, 1844....	226

MARINE HOSPITAL.

	Page.
An act to cede to the United States the jurisdiction of certain parcels of land for the purpose of a Marine Hospital, situate in the city of Cleveland, in the county of Cuyahoga, passed February 15, 1844.....	70

MINISTERIAL LANDS.

An act for the sale of certain ministerial lands in Butler county, passed January 26, 1844.....	22
An act to authorize the sale of the ministerial or school lands in the townships of Holmes and Cranberry, in Crawford county, passed March 6, 1844.....	146

MISCELLANEOUS ASSOCIATIONS.

An act to amend an act entitled "an act to incorporate the Mechanic's Beneficial Society of Dayton," passed February 10, 1831, passed January 22, 1844.....	17
An act to incorporate the Stone Mason's Benevolent Society of Cincinnati, passed February 3, 1844.....	31
An act to incorporate the Cincinnati Horticultural Society, passed February 3, 1844.....	31
An act to incorporate certain societies therein named, passed February 24, 1844.....	102
An act to incorporate the Champion Library Association, at Chagrin Falls, Cuyahoga county, passed February 26, 1844.....	110
An act to incorporate the Institute of Lower Sandusky, Sandusky county, passed March 4, 1844.....	112
An act to incorporate the Cincinnati Astronomical Society, passed March 4, 1844.....	122
An act to incorporate the Western Reserve Freewill Baptist Education Society, passed March 12, 1844.....	163
An act to incorporate the Cincinnati Philosophical Library Association, in the county of Hamilton, passed March 11, 1844.....	169
An act to incorporate the Dayton Female Association, for the benefit of orphans, passed March 12, 1844.....	172
An act to incorporate the Laurain Institute, passed March 12, 1844.....	184
An act to incorporate the Ravenna Library Association, passed March 12, 1844.....	213
An act to incorporate the Savings Fund Society of Mount Pleasant, Jefferson county, passed March 6, 1844.....	142
An act to amend the act entitled "an act to incorporate the Calliopean Society of the Granville Literary and Theological Institution, in the county of Licking," passed March 10, 1836, passed February 24, 1844.....	102

PRIVATE PERSONS.

An act for the relief of James Price and Sylvanus Travis, passed January 17, 1844.....	14
An act to authorize Nathan Starr to sell and convey certain real estate, the property of the minor heirs of his late wife, Mary W. Starr, passed January 26, 1844.....	18

PRIVATE PERSONS—Continued.

	Page.
An act to change the name of James Brewster Jackson, passed February 3, 1844.....	29
An act for the relief of Mary K. Prentiss, passed February 15, 1844,	69
An act to enable Charles E. Williams and Allen W. Gazlay, to execute deeds of conveyance, under certain restrictions, passed February 15, 1844.....	70
An act for the relief of John E. Hunt, of Maumee City, passed February 24, 1844.....	99
An act to change the name of Samuel Harmon James, passed March 5, 1844.....	136
An act for the extension of time to James L. Chase, administrator of the estate of Job Bodette, deceased, late of the county of Lucas, to enable him to settle the affairs of said estate, passed March 6, 1844.....	145
An act to authorize Israel Harrington to surrender a permanent lease, passed March 6, 1844.....	158
An act for the relief of John Partee, of the county of Williams, passed March 12, 1844.....	205
An act to authorize William Townsend, of the county of Erie, guardian of Kneeland Townsend, of the same place, lately found by inquest to be non compos mentis, to execute real contracts and sell and convey the real estate of said Kneeland Townsend, and other purposes, passed March 12, 1844.....	211
An act for the payment of interest due to Samuel F. Maccracken, passed March 14, 1844.....	214
An act for the relief of Wilber Cahoon, passed March 12, 1844.....	221
An act for the relief of Samuel Bassett, passed March 12, 1844.....	224

RAILROADS.

An act to repeal the sixth, seventh, eighth and ninth sections, and so much of the tenth section of the act entitled "an act to provide for the sale of the Monroeville and Sandusky City Railroad, under the lien of the State and to discharge the State of Ohio from all further liabilities to certain Railroad companies therein named," passed March 11, 1834, as shall be hereinafter specified, passed February 13, 1844.....	67
An act to revive and continue the act to incorporate the Little Miami Railroad Company, passed March 11, 1836, passed February 15, 1844.....	69
An act to authorize the City of Cincinnati to make a loan to the Little Miami Railroad Company, passed February 26, 1844.....	103
An act for the relief of the Ashland and Vermillion Railroad Company, and to provide against all further liabilities of the State to said Company for loans of credit, passed March 4, 1844.....	114
An act to revive and amend the act entitled "an act to incorporate the Columbus, Delaware, Marion and Sandusky Railroad Company," passed February 8, 1832, passed March 4, 1844.....	123
An act to incorporate the Canton and Fulton Railroad Company, passed March 12, 1844.....	173
An act to incorporate the Columbus and Xenia Railroad Company, passed March 12, 1844.....	194
An act to incorporate the Wayne and Summit Railroad Company, passed March 12, 1844.....	207

SCHOOLS, COLLEGES, &c.

	Page.
An act to incorporate the Sylvania High School Company, in the county of Lucas, passed February 15, 1844.....	60
An act to incorporate the Lebanon Academy, passed February 19, 1844.....	80
An act to amend the act entitled "an act to incorporate the Trustees of the Western Reserve College," passed February 7, 1826, passed February 23, 1844.....	95
An act to incorporate the West Lodi Academy, in Seneca county, passed February 26, 1844.....	107
An act to incorporate the Franklin Academy, of Portage county, passed March 4, 1844.....	115
An act to incorporate the Salem Academy, in Buckakin Township, in Ross county, passed March 12, 1844.....	178
An act to incorporate the Dudley Medical University of Wadsworth, passed March 12, 1844.....	179
An act to incorporate the Summit county Medical Society, passed March 12, 1844.....	183
An act to incorporate the Board of Directors of the English Lutheran Theological and Collegiate Institute, at Wooster, Wayne county, passed March 12, 1844.....	189
An act to incorporate the Waynesville Academy, of Warren county, passed March 12, 1844.....	191
An act to incorporate the Keene Academy in Coshocton county, passed March 12, 1844.....	210
An act vesting all property belonging to the Knoxville School Company, in the Knoxville School District, in Jefferson county, passed March 12, 1844.....	212
An act to amend an act entitled an act to incorporate the North Union School Association, of Carroll county, passed March 11, A. D., 1836, and the act amendatory thereto, passed March 15, 1837, passed March 12, 1844.....	221
An act to amend an act entitled "an act to incorporate the Beverly College, at Beverly," passed February 26, 1843, passed March 11, 1844.....	160

SCHOOL SECTIONS.

An act for the sale of School Section Sixteen, in Washington township, Hancock county, passed January 13, 1844.....	6
An act to amend an act entitled "an act to authorize the sale of a certain School Section, number 16, in Woodville township, in the county of Sandusky," passed February 20, 1841, passed February 3, 1844.....	29
An act declaring the intention of an act providing for the sale of one fourth of Section Sixteen, township fourteen, range six, now Union township, Carroll county, passed February 8, 1844.....	66
An act to authorize the sale of School Section Sixteen in the original surveyed township, number 6, of range number 17, in Gallia county, passed February 8, 1844.....	67
An act to authorize the lessees of School Section Sixteen, in Middleton township, Columbiana county, to surrender their leases and receive deeds, passed February 19, 1844.....	83

SCHOOL SECTIONS—Continued.

	Page.
An act for the relief of purchasers of section twenty nine, in township seven, and range thirteen, in Athens county, passed February 26, 1844.....	104
An act to authorize the sale of section sixteen in township 1, north, range 6, east, in Greensburg township, in Putnam county, passed March 5, 1844.....	121
An act to authorize the sale of School Section sixteen, in township 7, north, range 2, east, in Superior township, in Williams county, passed March 5, 1844.....	131
An act to authorize the sale of the northeast quarter, of section 8, in township 3, of range 12, in Meigs county, passed March 5, 1844.....	132
An act to authorize the sale of School Section 16, in township No. 5, north, of range No. 15, east, in Sandusky county, passed March 5, 1844.....	132
An act to authorize the sale of School Section Sixteen, in the township of Franklin, in the county of Monroe, passed March 5, 1844.....	133
An act to authorize the sale of School Section number sixteen, in township 14, of range 17, in Falls township, in the county of Hocking, and to repeal a former act relative thereto, passed March 6, 1844.....	149
An act to authorize the sale of School Section number sixteen, township No. 12, of range No. 18, in Laurel township, in the county of Hocking, passed March 6, 1844.....	155
An act to authorize the sale of School Section Sixteen, township 7, north, range 3, east, in Jefferson township, in the county of Williams, passed March 6, 1844.....	156
An act to authorize the sale of School Section number sixteen, township No. 6, north, of range No. 16, east, in Ottawa county, passed March 6, 1844.....	156
An act to amend an act entitled "an act to authorize the sale of School Section Sixteen in Centre township, in the county of Williams," passed March 6, 1844.....	157
An act to amend the act entitled "an act to provide for the sale of part of Section Sixteen, in township No. 4, range 6, in Monroe county, passed March 11, 1844.....	161
An act to authorize the sale of School Section Sixteen, in Rutland township, in the county of Meigs, passed March 12, 1844.....	178
An act to authorize the sale of school lands, being the south half of lot No. 24, of section 3, township 7, range 18, in the county of Delaware, passed March 12, 1844.....	194
An act to authorize the sale of School Section Sixteen, in Union township, in the county of Butler, passed March 12, 1844.....	206
An act to authorize the sale of School Section number sixteen, in Defiance township, in the county of Williams, passed March 12, 1844.....	206
An act to authorize the sale of school lands granted by Congress to the inhabitants of the French Grant in the county of Scioto, passed March 12, 1844.....	190

STATE ROADS.

An act to lay out and establish a State Road in the counties of Jackson and Scioto, passed January 13, 1844.....	5
--	---

STATE ROADS—*Continued.*

	Page.
An act creating a commissioner for the graded State Road from Chandlersville, in Muskingum county, through Morgan county, to Coal Run, in Washington county, passed December 30, 1844..	10
An act to lay out and establish a State Road in the counties of Marion and Crawford, passed January 22, 1844.....	17
An act to lay out and establish a graded State Road from Athens, in the county of Athens, to Pomeroy, in the county of Meigs, passed January 26, 1844.....	19
An act to lay out and establish a State Road in the counties of Hancock and Hardin, passed February 3, 1844.....	32
An act to lay out and establish a State Road in the counties of Brown, Highland and Clinton, passed February 3, 1844.....	33
An act to provide for the construction of a road from the Ohio Penitentiary to Broad street, in the city of Columbus, passed February 3, 1844.....	36
An act to lay out and establish a State Road in the counties of Washington and Morgan, passed January 29, 1844.....	51
An act to lay out and establish a State Road in the counties of Paulding and Williams, passed February 19, 1844.....	72
An act to lay out and establish a State Road from West Charlestown, in Miami county, through Elizabethtown in said county, and New Pew Palestine in Shelby county, to Quincy, in Logan county, passed February 26, 1844.....	108
An act to lay out and establish a State Road in the counties of Jefferson, Harrison and Belmont, passed March 4, 1844.....	121
An act to lay out and establish a State Road in the counties of Marion, Union and Logan, passed March 6, 1844.....	145
An act to lay out and establish a State Road in the counties of Fairfield and Hocking, passed March 6, 1844.....	146
An act to lay out and establish a State Road in the counties of Jackson and Gallia, passed March 6, 1844.....	148
An act to lay out and establish a State Road in the counties of Franklin and Delaware, passed March 6, 1844.....	154
An act to revive and amend the act entitled "an act to lay out and extend the Clinton State Road through the county of Columbiana to the Pennsylvania State line," passed March 12, 1838, passed March 11, 1844.....	162
An act to appoint commissioners to construct a graded road in the county of Guernsey, passed March 12, 1844.....	187
An act to lay out and establish a State Road in the counties of Muskingum, Perry and Fairfield, passed March 12, 1844.....	189
An act to provide for the confirming the location of the State Road, from the Ohio river, opposite Parkersburg, Virginia, to Chillicothe, passed March 12, 1844.....	216
An act to declare the State Road from St. Marys, in Mercer county, to the State line between Ohio and Indiana via Willshire, in Vanwert county, a Free Turnpike, and to provide for its construction, repair and preservation, passed March 12, 1844.....	224
An act to amend "an act to lay out and establish a Graded State Road from Youngstown, in Trumbull county, to East Liverpool, in Columbiana county," passed March 7, 1842, passed March 12, 1844..	214
An act to lay out and establish a Graded State Road in the counties of Wayne and Medina, passed March 13, 1844.....	243

NS INCORPORATED.

	Page.
An act to incorporate the town of Hockingport, in the county of Athens, passed February 3, 1844	37
An act to continue in force the act entitled "an act to repeal the charter of the town of Kalida, in the county of Putnam," passed March 11, 1843, passed February 3, 1844	39
An act to amend an act entitled "an act to incorporate the town of Perrysburg," passed February 3, 1844	39
An act to declare the extent of the corporate limits of the town of Marys, in the county of Mercer, passed February 3, 1844	41
An act to amend the act entitled "an act to incorporate the town of Milan," passed February 23, 1833, and the several acts amendatory thereto, passed February 19, 1844	83
An act to amend an act entitled "an act to incorporate the Borough of Ashtabula," passed February 24, 1844	101
An act to amend an act entitled "an act to incorporate the town of Defiance, in the county of Williams," passed January 27, 1836, passed February 26, 1844	106
An act to amend the act entitled "an act to incorporate the town of Middletown," passed February 11, 1833, passed March 4, 1844 ..	125
An act to legalize certain acts of the town council of the town of Defiance, in the county of Williams, passed March 5, 1844	133
An act to amend an act entitled "an act to incorporate the town of Springfield, in the county of Clark," passed March 5, 1844	135
An act incorporating certain towns therein named, passed March 5, 1844 ..	136
An act to amend the act entitled "an act to incorporate the town of Washington, in the county of Guernsey," passed March 5, 1839, passed March 5, 1844	137
An act to legalize the official acts of certain officers of the town of New Athens, Harrison county, Ohio, passed March 6, 1844	154
An act to repeal an act entitled "an act to incorporate the town of Christiansburg, in the county of Champaign," passed March eleventh, one thousand eight hundred and thirty six, and all acts amendatory thereto, passed March 6, 1844 ..	156
An act to amend an act passed January 20, 1833, entitled "an act to amend the act entitled 'an act to incorporate the town of Gallipolis, in the county of Gallia,'" passed February 17, 1808, and the several acts amendatory to the same, passed March 11, 1844 ..	159
An act to incorporate the town of Chagrin Falls, in the county of Cuyahoga, passed March 12, 1844 ..	210
An act to incorporate the town of Fairfield, in the county of Columbiana, and to repeal an act entitled "an act to incorporate the town of Fairfield, in the county of Columbiana," passed March 10, 1836, passed March 12, 1844 ..	215
An act to incorporate the town of Ashland, in the county of Richland, passed March 12, 1844 ..	216
An act to repeal an act entitled "an act to incorporate the town of Uhrichsville, in Tuscarawas county," passed March 16, 1839, passed March 12, 1844 ..	222
An act to amend the act to incorporate and establish the City of Dayton, passed March 27, 1841, passed March 12, 1844 ..	223
An act to amend the charter of the town of Newark, passed March 13, 1844 ..	245

TOWNS INCORPORATED—Continued.

	Page.
An act to amend an act entitled "an act to incorporate the town of Mechanicsburg, in the county of Champaign," passed February 27, 1834, passed March 13, 1844	245

TOWNSHIPS.

An act to erect school district number ten, in the township of Portage, and county of Summit, passed December 30, 1843.....	3
An act to constitute the village of Middlebury, in the county of Summit, an election district, passed December 30, 1843.....	4
An act to legalize a certain road in the village of Monroe, in the county of Ashtabula, passed January 22, 1844	16
An act to divide school district number one, in the township of Warren, in the county of Trumbull, passed January 26, 1844	19
An act to amend the act entitled "an act concerning Georgetown, in the county of Brown," passed January 1, 1822, passed January 22, 1844	21
An act to authorize the Trustees of Walnut township, Pickaway county, to levy a tax, passed February 12, 1844.....	55
An act to authorize the trustees of Windsor township, Morgan county, to lease certain lands in said township, passed February 26, 1844	111
An act to amend the act entitled "an act to divide the township of Millcreek, in the county of Hamilton, into election districts," passed March 4, 1844.....	113
An act to annex the township of Willoughby, in the county of Lake, to the first Brigade in the twenty first Division of the Ohio Militia, passed March 12, 1844.....	203
An act to constitute the town of Medina, in the county of Medina, an election district, passed March 12, 1844	205
An act to constitute the town of Cuyahoga Falls, in the county of Summit, an election district, passed March 12, 1844	229
An act to allow the trustees of the township of Franklin, in the county of Mercer, to select a section of land for school purposes, in lieu of section sixteen of said township, which lies within the Mercer County Reservoir, passed March 11, 1844	161
An act to authorize school districts numbers nine, ten, and eleven, in the township of Painesville, Lake county, to levy a special tax, and for other purposes, passed March 4, 1844....	126
An act to establish grades, and enforce the paving and McAdamizing of streets, roads, lanes, and alleys, in the southern part of Millcreek township, Hamilton county, Ohio, passed March 6, 1844,	149

TURNPIKE COMPANIES.

An act to incorporate the Springfield and Urbana Turnpike Road Company, passed January 26, 1844.....	20
An act to incorporate the Addison, New Carlisle, and Madriver Turnpike Road Company, passed January 29, 1844	24
An act to incorporate the Dayton, Xenia and Washington Turnpike Road Company, passed January 29, 1844	25
An act to incorporate the Middletown and Chester Turnpike Road, passed February 3, 1844	42

TURNPIKE COMPANIES—Continued.

	Page.
An act to incorporate the Middletown and West Alexandria Turnpike Road Company, passed February 5, 1844.....	43
An act to lay out and establish a Free Turnpike Road from Brunersburg, in the county of Williams, to the Michigan State line, passed February 8, 1844.....	47
An act to incorporate the Oxford and College Corner Turnpike Road, passed January 29, 1844.....	49
An act to incorporate the Perrysburg, Findlay, and Kenton Turnpike Road Company, passed February 13, 1844.....	62
An act to incorporate the West Alexandria, New Lexington, Lewisburg, and Euphemia Turnpike Road Company, passed February 13, 1844.....	63
An act to incorporate the Middletown and Hamilton Turnpike Road Company, passed February 13, 1844.....	65
An act to amend an act entitled "an act to incorporate the Dayton and Madriver Valley Turnpike Road Company, passed February 15, 1844.....	68
An act to incorporate the Yellow Springs, Tylerville, and Smithville Turnpike Road Company, passed February 19, 1844.....	79
An act to amend the act incorporating the Wayne, Medina and Cuyahoga Turnpike Company, passed February 19, 1844.....	85
An act to incorporate the Middletown Turnpike Road Company, passed February, A. D., 1844.....	91
An act to incorporate the Piqua and St. Marys Turnpike Road Company, passed February 24, 1844.....	97
An act to incorporate the Dayton and Wolfcreek Turnpike Road Company, passed February 24, 1844.....	100
An act to incorporate the Dayton and Lewisburg Turnpike Road Company, passed February 26, 1844.....	108
An act to amend the act entitled "an act to incorporate the Hamilton, Rossville, Darrrtown, Oxford, and Fairhaven Turnpike Company," passed March 2, 1836, passed January 29, 1844.....	111
An act to incorporate the Germantown and Miamisburg Turnpike Road Company, passed March 6, 1844.....	138
An act to provide for the repair and preservation of the Steubenville, Cadiz, and Cambridge Turnpike Road, passed March 11, 1844.....	158
An act to amend an act entitled "an act to incorporate the Middletown and Hamilton Turnpike Road Company," passed March 11, 1844,	159
An act to provide for the payment of contractors on the Zanesville and Maysville Turnpike Road, passed March 11, 1844.....	160
An act to incorporate the Tippecanoe Turnpike Road Company, passed March 12, 1844.....	167
An act to incorporate the Mount Vernon and Cavallo Turnpike Road Company, passed March 12, 1844.....	180
An act to amend an act to incorporate the Dayton and Wilmington Turnpike Company, passed March 12, 1844.....	188
An act to provide for the payment of contractors on the Cincinnati, Montgomery, Hopkinsville, Rochester, and Clarksville McAdamized Turnpike Road, passed March 12, 1844.....	215
An act to repeal an act authorizing the commissioners of Perry county to subscribe to the capital stock of turnpike road companies, passed March 12, 1844.....	230

TURNPIKES, FREE.

	Page.
• An act to establish a free turnpike road from New Philadelphia, in the county of Tuscarawas, to the Ohio river, opposite Wellsburg, in Virginia, passed January 17, 1844.....	8
An act to amend an act to lay out and establish a free turnpike road from Lima, Allen county, to Perrysburg, Wood county, passed February 3, 1844	29
An act to lay out and establish a free turnpike road in the county of Williams, passed February 8, 1844	45
An act to lay out and establish the Lima and Canal Lock Free Turnpike Road, passed February 12, 1844	56
An act to lay out and establish a free turnpike road in the county of Williams, passed February 12, 1844	58
An act to lay out and establish a free turnpike road from Findlay, Hancock county, to Kalida, in the county of Putnam, passed February 19, 1844.....	73
An act to lay out and establish a free turnpike road from Wapakonnetta, Allen county, to Kalida, in the county of Putnam, passed February 19, 1844	75
An act to lay out and establish a free turnpike road from Findlay, Hancock county, to the Miami Canal, in the county of Putnam, passed February 19, 1844	93
An act to lay out and establish a free turnpike road from Kalida, Putnam county, to Napoleon, Henry county, and to the Michigan State line, passed March 4, 1844	116
An act to establish a free turnpike road from Columbus, in the county of Franklin, to Bellefontaine, in the county of Logan, passed March 4, 1844.....	127
An act to lay out and establish a free turnpike road from Van Buren, in the county of Hancock, to the south line of Lucas county, passed March 5, 1844	129
An act to establish a free turnpike road from Piqua, in Miami county, through Hardin, in Shelby county, to Wapakonnetta, in Allen county, passed March 12, 1844	163
An act to establish and lay out a free turnpike road from Lebanon to Hopkinsville, in Warren county, passed March 12, 1844	165
An act to establish and lay out a free turnpike road from West Charlestown, in Miami county, to Logansville, in Logan county, passed March 12, 1844	176
An act to lay out and establish a free turnpike road from Allentown, Allen county, to Kalida, in the county of Putnam, passed March 12, 1844	199
An act to lay out and establish a free turnpike road from Ottawa, in the county of Putnam, to the Miami Canal, passed March 12, 1844,	201
An act to lay out and establish a free turnpike road from Kenton, Hardin county, through St. Marys, in Mercer county, to the Indiana State line, passed March 12, 1844	231
An act to establish a free turnpike road from Troy to the Dayton and Covington Turnpike, passed March 12, 1844	233
An act to lay out and establish a free turnpike road from Wapakonnetta, in the county of Allen, to intersect the Lima and Defiance Free Turnpike Road, in the county of Putnam, passed March 6, 1844.. ..	246

RESOLUTIONS.

• Page.

RESOLUTIONS—

In relation to the postage of members of the General Assembly.....	249
Relative to the Reports of State officers.....	249
Relative to the settlers on the Indian Lands, in the county of Crawford	250
Relative to the incorporation of churches and religious societies.	250
Relative to printing extra copies of the report of the Superintendent of the Deaf and Dumb Asylum.....	251
Relative to the reception of Jacob Miller into the Lunatic Asylum....	251
Relative to the construction of a Bridge across the Ohio river, at Wheeling, Virginia.....	251
Relative to printing extra copies of the Annual Report of the Blind Asylum.....	252
Imposing certain duties on the Auditor of State and county Auditors.	252
Relative to the employment of an Oculist by the Directors of the Blind Asylum.....	253
Relative to printing extra copies of the report of Commissioners of the Canal Fund.....	253
Relative to printing extra copies of the report of the Board of Public Works.....	254
Relative to the delivery of laws and journals to the county of Monroe	254
Relative to delinquent lands and town lots.....	254
Relative to the payment of Samuel Herdman for certain services	255
Relative to certain lots in the town of Perrysburg, Wood county.....	255
Relative to the appropriation to procure clothing for destitute pupils in the Deaf and Dumb Asylum, and in the Institution of the Blind	256
Relative to the Neville Institute, Columbiana county.....	256
Relative to the claim of John Walton.....	257
Relative to printing the acts fixing the times of holding the Supreme Court, and the Court of Common Pleas.....	257
For the payment of Jacob Boswell.....	257
Appointing Trustees of the Deaf and Dumb Asylum.....	258
Relative to the rate of postage.....	258
Relative to the payment of certain claims.....	259
Relative to the payment of money to William Domigan.....	259
Relative to distribution of Laws to Poor House Directors.....	259
Relative to furnishing certain Documents to Library Societies.....	260
Relative to going into certain elections.....	260
Relative to the distribution of Laws and Documents.....	261
Relative to the distribution of laws and documents to Monroe county	261
Relative to a State Armory.....	261
Relative to a day of Thanksgiving.....	262
Relative to the Walhonding Canal to Mount Vernon.....	262
Relative to the purchase of Hazard's Register for the Library	262
Relative to going into certain elections	263
Relative to a reservoir near Massillon.....	263
Relative to the payment of certain claims.....	264
Relative to the distribution of Statutes and Public Documents.....	264
Relative to the payment of Warren Young and E. Ayres.....	265
Appointing Noah H. Swayne Director of the Lunatic Asylum.....	265
Relative to erecting a Telescope on the Public Square.....	266
Relative to Revised Statutes for Hancock and Putnam counties.....	266

ACTS OF A GENERAL NATURE

PASSED BY

FORTY THIRD GENERAL ASSEMBLY

OF THE

STATE OF OHIO,

BEGUN AND HELD IN THE CITY OF COLUMBUS,

DECEMBER 4, 1844,

AND

IN THE FORTY THIRD YEAR OF SAID STATE.

VOL. XLIII.

COLUMBUS:

SAMUEL MEDARY, STATE PRINTER.

1845.

ACTS OF A GENERAL NATURE.

AN ACT

To amend an act entitled "An act further to amend an act defining the duties of County Treasurers, and for other purposes," passed March 12, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That where any tract of land or town lots shall be returned delinquent for the nonpayment of taxes, and placed on the duplicate of the succeeding year, and the owner, or person liable to pay taxes therefor, shall produce the receipt of the treasurer for such taxes of the preceding year, it shall not be lawful for the county auditor or treasurer to make any deduction from the duplicate of such tax, interest or penalty, but the same shall be chargeable to the treasurer, as if such receipt had not been produced; provided that it shall be the duty of the treasurer to receive such receipt in discharge of the tax for the year that is returned delinquent, with the interest and penalty. And the auditor of the county shall credit such treasurer with the amount, and shall forthwith proceed by action of debt to collect such tax, interest, or penalty from the treasurer who gave such receipt; and it shall be the duty of the prosecuting attorney to attend to any such suit so commenced by the auditor.

When a receipt is produced by the owner of lands advertised as delinquent no deduction to be made from duplicate.

— Such receipt good for said tax, &c.

SEC. 2. That it shall not be lawful for any county treasurer, acting under the act to which this is an amendment, to dis-
train any property which is, by the general laws of this state, exempt from execution.

Property exempt from execution not to be distrained.

SEC. 3. This act to take effect from and after its passage.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

December 21, 1844.

AN ACT

To regulate the manner and form of executing the printing ordered by the General Assembly, or either branch thereof.

Public printing,
how executed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in the execution of the printing of all public documents, reports of committees, and all other reports and memorials, ordered by the general assembly, or either branch thereof, or which shall be printed in pursuance of the joint rules of the general assembly, or the rules of either branch thereof, it shall be the duty of the state printer to print them without titlepages, and in such manner that the whole matter shall follow in close order from the first page.

Public officers to
examine such
printing, &c.

SEC. 2. That it shall not be lawful for the auditor, treasurer, and secretary of state to approve any account of the state printer until they, and each of them, shall have personally examined his account, and counted and measured his work, and ascertained that the work is executed according to law, and the account just and true; and if, on said examination, they shall find any titlepages, or any unnecessary blanks or blank pages, the same shall not be computed in the account of said state printer; and, moreover, the value of the paper needlessly wasted therefor shall be deducted from the account of said state printer.

State Printer liable
for waste.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 26, 1844.

AN ACT

To provide for the printing of the Ohio Reports.

Secretary of
State to advertise
to printers
and receive proposals;

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the secretary of state shall, on the first day of November next, give notice in the newspapers printed in the city of Columbus, that sealed proposals will be received at his office until the second Monday of December next thereafter, for the printing of fifteen hundred copies of the reports of cases decided in the supreme court in bank, at the December term, one thousand eight hundred and forty five, which shall be printed in the same form and style as the eleventh and twelfth volumes of Ohio Reports; such proposals to specify the price per thousand ems for composition, and the price per token for presswork, the token to consist of one hundred and twenty five sheets, printed on both sides.

SEC. 2. The secretary shall, in like manner, give notice and receive proposals for binding the said reports; the proposals to specify the price for binding in good law-sheep, and also the rate at which said reports will be put up in paper covers.

—and give notice to binders.

SEC. 3. That on the second Monday of December the said secretary shall, in the presence of the auditor and treasurer of state, open all such proposals by him received; and the secretary, auditor, and treasurer, or any two of them, on examining said proposals, shall accept the proposition of the lowest bidder for said printing, and the proposition of the lowest bidder for binding, and contract with him, or them, for the execution of said printing and binding, on bond being given, in compliance with the provisions of this act.

Shall open proposals;

—and accept that of the lowest bidder;

SEC. 4. That the successful bidders for said printing and binding shall each, within three days after the acceptance of his or their proposals, as aforesaid, and notice of said acceptance, enter into bonds to the State of Ohio, with two or more sureties, to be approved by the secretary of state, in the sum of three thousand dollars each, conditioned for the faithful performance of said printing or binding, as the case may be, pursuant to his contract, and in compliance with the provisions of this act, which bonds shall be deposited in the office of the treasurer of state; and if said bidders, or either of them, shall fail to give bond, as aforesaid, within three days after written notice has been given, as aforesaid, by said secretary, then said contract shall be given to the next lowest bidder therefor, who will give such bond.

—who shall enter into bonds.

In case of failure the next lowest bidder to receive the contract.

SEC. 5. The printing of said reports shall be completed within ninety days after the adjournment of the said court in bank, and the binding of said reports shall be completed in four weeks from the time they are delivered to the binder.

Time allowed for printing, &c.

SEC. 6. That the secretary, auditor, and treasurer, or any two of them, shall examine and certify to the correctness of the accounts for such printing and binding before they shall be paid; and when any such account shall be so certified to be correct, the auditor of state shall draw bills upon the treasury for the payment thereof, out of any moneys appropriated for the state printing.

Secretary, &c., to examine and certify to the correctness of said printing and binding.

SEC. 7. That hereafter the secretary shall, annually, on the first Monday of November, give notice, as provided in the first and second sections of this act, and receive proposals until the second Monday in December, which proposals shall be opened, and contract let for the printing and binding of the ensuing volumes of the Ohio Reports, after the year one thousand eight hundred and forty five; and such printing and binding shall be executed, and the accounts therefor audited and paid, in the same manner as hereinbefore provided.

The same course to be pursued annually thereafter

SEC. 8. That the paper for printing said Ohio reports shall be furnished to the contractor by the state, in the same manner that paper for other printing is furnished for the state printing; and the secretary of state shall deliver over to the

Paper to be furnished as in other state printing.

printer of said reports the necessary paper for the printing thereof, and take and keep an accurate account and receipts therefor.

Duty of secretary, &c.

SEC. 9. That it shall be the duty of the secretary of state, forthwith, to call on the state printer for the printed sheets of the reports of the court in bank of December term, one thousand eight hundred and forty four, and, as soon as the volume is printed, the secretary shall procure the same to be bound, such portion as he may deem best in good law sheepskin binding, and the residue either stitched or in boards; and for that purpose the secretary shall advertise for proposals for such binding, at such time and in such manner as the secretary shall deem most advisable for the early accomplishment of the work.

Part of certain act repealed.

SEC. 10. That the third section of the act passed February twenty eight, one thousand eight hundred and forty two, entitled "an act to amend the act entitled 'an act to establish a court in bank, and to regulate its practice,'" be and the same is hereby, repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 11, 1845.

AN ACT

To limit prosecutions for certain offences, misdemeanors and immoral practices.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That no person shall be indicted or criminally prosecuted for any offence, misdemeanor, or immoral practice, made punishable by the criminal laws of this state, and the prosecution of which is not limited by law, except such as are punishable capitally or by imprisonment in the penitentiary, unless such indictment shall be found, or such prosecution commenced, within three years from the time such offence, misdemeanor, or immoral practice was committed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

To amend the several acts now in force in relation to forcible entry and detainer.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all actions of forcible entry and detainer, or forcible detainer only, it shall be lawful for any constable of the proper county to serve all writs issued by any justice of the peace, in relation thereto, in the same manner that sheriffs were required by law to do before the passage of this act. In what cases constables may serve writs.

SEC. 2. That constables shall be allowed the following fees Fees therefor. for their services under the provisions of this act, viz:

For summoning a jury, sixty cents, and mileage as in other cases.

For serving a writ of restitution, fifty cents, and mileage as in other cases.

For serving summons, twenty five cents, and mileage as in other cases.

And for attending trial, fifty cents.

SEC. 3. That in all actions of forcible entry and detainer, or of forcible detainer only, if either party demand a jury, it shall be the duty of the justice before whom said suit is pending, to require of the party, making such demand, to advance the fee of said jury, or require said party to give satisfactory security for the payment of said fee, in case said party shall be condemned in said suit, and upon the giving of bail, or advancing the fee, the justice shall proceed to impanel a jury and cause a venire to be served in the manner pointed out by the act to allow juries before justices of the peace, passed February 14, 1840, but if the party demanding the jury fail to make the advance, or give bail for the payment of the fee, it shall be the duty of the justice to proceed to trial, as though no jury had been demanded, but if the jury fee shall have been advanced, it shall be the duty of the justice to tax the same in the bill of costs, and pay it over when collected, to the successful party, if said fee shall have been advanced by said party; but if the party condemned, shall have paid the jury fee, the justice shall indorse said payment on the writ he may issue for the collection of costs, and the same shall not be again collected. When a jury is demanded before a justice of the peace, his duty, &c.

SEC. 4. That all acts and parts of acts which are inconsistent with the provisions of this act, be and the same are hereby repealed. This act to take effect and be in force from and after the first day of May next. No jury shall be impaneled unless, &c.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

To amend act entitled an "An act prescribing the duties of supervisors, and relating to roads and highways," passed March 20, 1837.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the allowance made to supervisors by the twenty first and thirty first sections of the act to which this act is an amendment be reduced from one dollar to seventy five cents per day.

SEC. 2. This act to take effect from and after the first day of April next.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

To divide the third Brigade, in the Sixteenth Division of the Ohio Militia.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio* That the county of Clinton shall form the third brigade, and the county of Fayette shall form the fourth brigade, of the sixteenth division of Ohio militia.

SEC. 2. That so much of the act of March fourth, one thousand eight hundred and thirty seven, "to organize and discipline the militia," as is inconsistent with the provisions of this act, is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 29, 1845.

AN ACT

To amend an act entitled "An act granting licenses and regulating taverns."

Remonstrance in
all cases to be re-
ceived by court.

SEC 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any remonstrance shall be presented to any court of common pleas in this state against granting any tavern license, petitioned for, it shall be the duty of the court to receive and consider the same, whether such remonstrance shall contain any statement of facts other than the general

dissent of the remonstrants, or not, and on consideration of such remonstrance, whether any testimony is offered to the court or not, by the remonstrants, and on consideration of any petition for tavern license, whether remonstrated against or not, the court may, in its discretion, grant or refuse the license prayed for, notwithstanding the applicant may have proved all the qualifications required by law to authorize the court to grant such license.

Giving courts, in all cases, full power to grant or refuse.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate

February 3, 1845.

AN ACT

Fixing the times of holding the Supreme Court.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Supreme Court shall be held in the several counties in this State, for the year one thousand eight hundred and forty five, on the days, and at the times hereinafter specified, to wit:

Columbiana, on Thursday, February twenty seventh;
Jefferson, Monday, March third;
Belmont, Friday, March seventh;
Washington, Monday, March tenth;
Morgan, Friday, March fourteenth;
Meigs, Wednesday, March nineteenth;
Gallia, Saturday, March twenty second;
Lawrence, Wednesday, March twenty sixth;
Scioto, Saturday, March twenty ninth;
Adams, Thursday, April third;
Brown, Monday, April seventh;
Clermont, Friday, April eleventh;
Hamilton, Monday, April fourteenth;
Butler, Tuesday, May twentieth;
Warren, Friday, May twenty third;
Clinton, Monday, May twenty sixth;
Highland, Friday, May thirtieth;
Fayette, Monday, June second;
Madison, Thursday, June fifth;
Clark, Saturday, June seventh;
Greene, Monday, June ninth;
Montgomery, Wednesday, June eleventh;
Preble, Monday, June twenty third;
Darke, Wednesday, June twenty fifth;
Miami, Saturday, June twenty eighth;

Shelby, Thursday, July third;
 Mercer, Saturday, July fifth;
 Aten, Wednesday, July ninth;
 Hardin, Saturday, July twelfth;
 Logan, Monday, July fourteenth;
 Champaign, Wednesday, July sixteenth;
 Union, Saturday, July nineteenth;
 Delaware, Monday, July twenty first;
 Marion, Friday, July twenty fifth;
 Crawford, Saturday, July twenty sixth;
 Seneca, Monday, July twenty eighth;
 Hancock, Wednesday, July thirtieth;
 Putnam, Friday, August first;
 Vanwert, Monday, August fourth;
 Paulding, Wednesday, August sixth;
 Williams, Friday, August eighth;
 Henry, Monday, August eleventh;
 Lucas, Wednesday, August fourteenth;
 Wood, Friday, August sixteenth;
 Ottawa, Monday, August eighteenth;
 Sandusky, Wednesday, August twentieth;
 Erie, Friday, August twenty second;
 Huron, Thursday, August twenty eighth;
 Lorain, Monday, September first;
 Cuyahoga, Thursday, September fourth;
 Geauga, Saturday, September thirteenth;
 Lake, Wednesday, September seventeenth;
 Ashtabula, Monday, September twenty second;
 Trumbull, Friday, September twenty sixth;
 Portage, Wednesday, October first;
 Summit, Monday, October sixth;
 Medina, Friday, October tenth;
 Wayne, Monday, October thirteenth;
 Richland, Friday, October seventeenth;
 Knox, Thursday, October twenty third;
 Licking, Monday, October twenty seventh;
 Coshocton, Thursday, October thirtieth;
 Holmes, Saturday, November first;
 Tuscarawas, Monday, November third;
 Stark, Thursday, November sixth;
 Carroll, Monday, November tenth;
 Harrison, Thursday, November thirteenth;
 Monroe, Monday, November seventeenth;
 Guernsey, Wednesday, November nineteenth;
 Muskingum, Wednesday, November twenty sixth;
 Perry, Monday, December first;
 Fairfield, Wednesday, December third;
 Hocking, Saturday, December thirteenth;
 Athens, Monday, December fifteenth;
 Jackson, Thursday, December eighteenth;
 Pike, Saturday, December twentieth;

Ross, Wednesday, December twenty fourth;
 Pickaway, Monday, December twenty ninth;
 Franklin, Thursday, January first; and the Court in Bank Court in Bank.
 shall be held on Monday, the fifth day of January, eighteen
 hundred and forty six.

The act entitled an act fixing the times of holding the Supreme Court of Ohio, for the year eighteen hundred and forty five, and the act amendatory thereto, are repealed. Repealing act.

SEC. 2. The Supreme Court is authorized, when the business shall require, to continue its term in any county beyond the time allowed to said county; and if, for any cause, it shall so happen that said court shall fail to be held in any county, the court may, with consent of parties, hear and determine any of the issues pending in said court in such county, in any other convenient county; and said court shall have the same power, when there shall not be time in any county to dispose of the business of such county, to hear and determine, with the consent of parties, any business, thus undisposed of, in any other convenient county. Further provisions.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

AN ACT

To fix the times of holding the Court of Common Pleas.

SEC. 1. *Be it enacted by the General Assembly of the State* First circuit.
of Ohio, That the Court of Common Pleas shall be held in the several judicial circuits, at the times and places hereinafter prescribed, viz: In the county of Miami, on the fourth day of March, the eighth day of July, and the sixteenth day of September; in the county of Darke, on the eighteenth day of March, the twenty second day of July, and the thirtieth day of September; in the county of Preble, on the twenty fifth day of March, the twenty ninth day of July, and the seventh day of October; in the county of Shelby, on the eighth day of April, the twelfth day of August, and the twenty first day of October; in the county of Mercer, on the fifteenth day of April, the nineteenth day of August, and the twenty eighth day of October; and in the county of Montgomery, on the twenty second day of April, the twenty sixth day of August, and the fourth day of November.

SEC. 2. In the county of Crawford, on the twenty fifth day of February, the twenty seventh day of May, and tenth day of November; in the county of Seneca, on the fourth day Second circuit.

of March, third day of June, and twenty third day of September; in the county of Sandusky, on the eleventh day of March, tenth day of June, and thirtieth day of September; in the county of Ottawa, on the nineteenth day of March, and eighth day of October; in the county of Huron, on the twenty fourth day of March, seventeenth day of June, and fifteenth day of October; in the county of Erie, on the second day of April, twenty sixth day of June, and twenty third day of October; in the county of Marion, on the twenty eighth day of April, eighth day of July, and seventeenth day of November.

Third circuit.

SEC. 3. In the county of Summit, on the eleventh day of February, the twenty seventh day of May, and the ninth day of September; in the county of Portage, on the twenty fifth day of February, the twenty fourth day of June, and the seventh day of October; in the county of Ashtabula, on the thirty first day of March, the seventh day of July, and the twentieth day of October; and in the county of Trumbull, on the fifteenth day of April, and twenty first day of July, and the third day of November.

Fourth circuit.

SEC. 4. In the county of Muskingum, on the seventeenth day of February, the twenty sixth day of May, and the eighth day of September; in the county of Licking, on the tenth day of March, the sixteenth day of June, and the twenty ninth day of September; in the county of Coshocton, on the fourteenth day of April, the twenty eighth day of July, and the twentieth day of October; and in the county of Perry, on the thirty first day of March, on the eleventh day of August, and the third day of November.

Fifth.

SEC. 5. In the county of Tuscarawas, on the twenty fourth day of March, the twenty third day of June, and the fifteenth day of October; in the county of Columbiana, on the eighth day of April, the eighteenth day of August, and the twenty seventh day of October; in the county of Stark, on the fifth day of May, the first day of September, and on the twenty fourth day of November; and in the county of Carroll, on the twenty first day of April, the eleventh day of August, and on the seventeenth day of November.

Sixth.

SEC. 6. In the county of Fairfield, on the seventeenth day of February, the fifth day of May, and the eighth day of September; in the county of Hocking on the tenth day of March, the nineteenth day of May, and the twenty ninth day of September; in the county of Ross, on the seventeenth day of March, the second day of June, and the sixth day of October; in the county of Pike, on the thirty first day of March, the sixteenth day of June, and the twentieth day of October; in the county of Jackson, on the seventh day of April, the twenty sixth day of May, and the twenty seventh day of October; and in the county of Pickaway, on the fourteenth day of April, the twenty third day of June, and the third day of November.

Seventh.

SEC. 7. In the county of Greene, on the second Monday in March, third Monday in June, and first Monday in October;

in the county of Butler, on the third Monday in February, last Monday in May, and third Monday in September; in the county of Warren, on the fourth Monday in March, the third Monday in August, and third Monday in November; in the county of Clinton, on the second Monday in April, the third Monday in July, and first Monday in November.

SEC. 8. In the county of Athens, on the twenty seventh Eighth circuit. day of February, the ninth day of June, and the first day of September; in the county of Washington, on the second day of April, the sixteenth day of June, and the eleventh day of September; in the county of Scioto, on the sixteenth day of April, the twenty sixth day of June, and the twenty second day of September; in the county of Lawrence, on the thirtieth day of April, the seventh day of July, and the sixth day of October; in the county of Gallia, on the fifth day of May, the fourteenth day of July, and the thirteenth day of October; in the county of Meigs, on the twelfth day of May, the twenty first day of July, and the twenty second day of October; and in the county of Morgan, on the nineteenth day of May, the twenty eighth day of July, and the third day of November.

SEC. 9. In the county of Adams, on the fourth Tuesday of Tenth circuit. February, second Tuesday in July, and third Tuesday in September; in the county of Highland, on the first Tuesday of March, third Tuesday in July, and fourth Tuesday in September; in the county of Fayette, on the third Tuesday in March, fifth Tuesday in July, and first Tuesday in October; in the county of Clermont, on the fourth Tuesday in March, first Tuesday in August, and third Tuesday in October; in the county of Brown, on the third Tuesday in April, third Tuesday in August, and first Tuesday in November.

SEC. 10. In the county of Holmes, on the twenty fourth Eleventh. day of February, the fifth day of May, and the eighth day of September; in the county of Wayne, on the fifth day of March, the twelfth day of May, and the seventeenth day of September; in the county of Medina, on the seventeenth day of March, twenty sixth day of May, and twenty ninth day of September; in the county of Knox, on the twenty fourth day of March, the second day of June, and the thirteenth day of October; in the county of Richland, on the seventh day of April, the sixteenth day of June, and the third day of November.

SEC. 11. In the county of Franklin, on the first day of Twelfth circuit. April, the seventeenth day of June, and the second day of September; in the county of Madison, on the seventeenth day of April, the first day of July, and the sixteenth day of September; and in the county of Clark, on the twenty second day of April, the eighth day of July, and the twenty third day of September; in the county of Champaign, on the twenty ninth day of April, the twenty second day of July, and the thirtieth day of September; in the county of Delaware, on the thirteenth day of May, the fifth day of August, and the fifteenth day of October; in the county of Union, on the twenty seventh day of May, the

nineteenth day of August, and the twenty eighth day of October; and in the county of Logan, on the second day of June, the twenty sixth day of August, and the thirty first day of October.

Thirteenth circuit.

SEC. 12. In the county of Wood, on the twenty fourth day of March, and the twentieth day of October; in the county of Lucas, on the first day of April, the sixteenth day of June, and the twenty seventh day of October; in the county of Henry, on the fifteenth day of April, and the first day of September; and in the county of Williams, on the twenty first day of April, and the eighth day of September; in the county of Paulding, on the twenty fifth day of April, and the twelfth day of September; in the county of Putnam, on the twenty eighth day of April, and the sixteenth day of September; in the county of Vanwert, on the fifth day of May, and the twenty second day of September; in the county of Allen, on the thirteenth day of May, and the thirtieth day of September; in the county of Hardin, on the nineteenth day of May, and the sixth day of October; and in the county of Hancock, on the twenty sixth day of May, and the thirteenth day of October.

Fourteenth.

SEC. 13. The Court of Common Pleas in the fourteenth circuit shall be held: in the county of Lorain, on the sixth day of February, the thirteenth day of May, and the twenty eighth day of October; in the county of Geauga, on the twenty fifth day of March, the third day of June, and the thirtieth day of September; in the county of Lake, on the eighth day of April, the tenth day of June, and the fourteenth day of October.

Venires.

SEC. 14. The clerk of the Court of Common Pleas in any county where there is not sufficient time to draw jurors, and to issue writs of venire facias, as is now required by law, shall, in the presence of the sheriff, as is required by the fourth section of the act regulating juries, draw the jurors, and thereupon issue said writs at any time before the setting of such court; and the court, when convened, may order such writs to be returned forthwith; and the sheriff of such county shall serve the same, and make return thereof, agreeably to the command of the same; and such service and return shall be as valid, in law, as if such writ had been issued thirty days previous thereto.

Act repealed.

SEC. 15. The sections of the act entitled "An act fixing the times of holding the Court of Common Pleas," passed February twelve, one thousand eight hundred and forty four, and all acts amendatory thereof, so far as the same conflicts with this act, are repealed, and the provisions of the fifteenth, sixteenth, seventeenth and eighteenth sections of the said act are made applicable hereto, and part hereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 30, 1845.

AN ACT

To amend the act to fix the times of holding the Court of Common Pleas.

SEC. 1. *Be it enacted by the General Assembly of the State* Second circuit.
of Ohio, That the Court of Common Pleas of the second circuit shall be held as follows, viz:

In the county of Marion, on the twenty fifth day of February, the twenty seventh day of May, and the tenth day of November;

In the county of Seneca, on the fourth day of March, the third day of June, and the twenty third day of September;

In the county of Sandusky, on the eleventh day of March, the tenth day of June, and the thirtieth day of September;

In the county of Ottawa, on the nineteenth day of March, and the eighth day of October;

In the county of Huron, on the twenty fourth day of March, the seventeenth day of June, and the twenty third day of October;

In the county of Erie, on the second day of April, the twenty sixth day of June, and the fourteenth day of October;

In the county of Crawford, on the twenty third day of April, the eighth day of July, and the twenty fifth day of November; and,

In the county of Wyandott, on the fifteenth day of July, and the eighteenth day of November.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

January 31, 1845.

AN ACT

To amend the act fixing the time of holding the Court of Common Pleas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first term of the court of common pleas for the county of Athens shall be held on the twenty fourth day of February, any thing in the eighth section of the act fixing the time of holding the court of common pleas, to the contrary notwithstanding.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To authorize the County Commissioners to melt counterfeit coin and mutilate counterfeiting instruments in certain cases, and to sell the same.

Counterfeit coin
to be melted and
sold.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where counterfeit coin, or any instrument for the purpose of making or gilding counterfeit coin, has been or hereafter shall be taken from convicts or persons indicted for counterfeiting or having the same in possession with criminal intent, and shall remain in the keeping of any county officers, or the clerk of any court, it shall be lawful for the commissioners of the proper county to melt the said counterfeit coin into a mass, or cast the same into other form than that of coin and sell the same, together with the instruments aforesaid, and pay the avails into the treasury of such county, for the benefit of common schools therein; provided that said instruments be so mutilated and broken as to prevent their being applied to the purposes of counterfeiting.

Stolen goods—
how to be dis-
posed of in cer-
tain cases.

SEC. 2. That when any stolen property in possession or in action, shall after the first trial of the person charged with stealing or receiving the same, remain in the possession of any officer of any county or clerk of any court unclaimed by the owner thereof, for the space of three months, or if such property shall come into the hands of such officer or clerk, (and the thief shall not be taken, or if taken shall escape,) and shall so remain in the hands of such officer for the space of one year after the property shall so come into the hands of such officer or clerk, in case the thief shall not be taken, or if taken, and he shall escape, shall so remain in the hands of such officer or clerk for one year, then, by and with the advice and consent of the prosecuting attorney of such county, the commissioners thereof shall proceed to sell the same at public auction to the highest bidder, after having for three weeks advertised the sale thereof in some newspaper of most general circulation in such county, and the avails thereof pay over to the treasurer of such county for the use of common schools therein.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 27, 1845.

AN ACT

To prevent canal companies, and others, from drawing off the water from their respective canals at certain periods.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all canal companies, and other persons having oversight of any canals, are prohibited from hereafter drawing off the water from any canal in this state for the purpose of cleaning the same out, or making the general annual repairs thereof, at any time between the thirtieth day of June, and the thirtieth day of September in any year, and all such companies, and all persons having the charge and oversight of any such canals, are in like manner prohibited from allowing the water to remain out of their respective canals, of which they have oversight for such purpose, of cleaning the same out or making such general repairs within the period of time above designated; and if such companies, or any person having oversight of such canal, shall let off or allow the water of their respective canals, or of the canals of which they have oversight, to remain out, contrary to the provisions of this act, such company or such person so offending against the provisions of this act, shall forfeit and pay to the state of Ohio not less than five hundred dollars, nor more than three thousand dollars, to be recovered in an action of debt before any court having jurisdiction thereof.

At what time prohibited.

Penalty.

Sec. 2. The provisions of this act shall not be applicable to the public works of the state or of any part thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 31, 1845.

AN ACT

To prevent the firing of Cannon upon public streets and highways.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons shall fire any cannon, or explode or cause to be exploded at any one time more than four ounces (avoirdupois weight) of gunpowder, except in case of invasion by a foreign enemy or to suppress insurrections or mobs, or for the purpose of raising drowned human bodies, or for the purpose of blasting or removing rocks, upon any public street or highway, or nearer than ten rods to the same, every person so offending shall, on conviction of the same, be fined in any sum not less than five nor more than fifty dollars; and shall moreover be liable in damages to persons injured by such firing.

Firing of cannon or exploding of powder on public streets prohibited, except, &c.

Appropriation of
fines.

SEC. 2. All fines accruing under the provisions of this act shall be collected and applied as provided in the fourteenth section of "an act for the prevention of certain immoral practices therein named," passed February seventeenth, one thousand eight hundred and thirty one.

Offenders may
be prosecuted be-
fore a justice,
&c.

SEC. 3. That prosecutions for offences against the provisions of this act may be by action on the case before any justice of the peace of the township where the offence is committed, where the amount of damages claimed is within his jurisdiction, and service of process be had within the county, or, if not within the jurisdiction of a justice of the peace, before the court of common pleas as in other cases.

SEC. 4. This act shall take effect and be in force from and after the first day of July next.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 10, 1845.

AN ACT

To amend the act to fix the times of holding the Court of Common Pleas, passed January 30, A. D., 1845.

Times of hold-
ing court of com-
mon pleas in
third circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall be held in the third judicial circuit, in the county of Summit, on the eleventh day of February, the twenty seventh day of May, and the seventeenth day of November. In the county of Portage, on the eleventh day of March, the twenty fourth day of June, and third day of November. In the county of Ashtabula on the thirty first day of March, the seventh day of July and the twentieth day of October. And in the county of Trumbull on the fifteenth day of April, the twenty first day of July and the eighth day of December.

Sixth circuit.

SEC. 2. That the court of common pleas in the sixth judicial circuit, for the year one thousand eight hundred and forty ty five, shall be held as follows to wit: In the county of Fairfield, on the seventeenth day of February, the fifth day of May and the eighth day of September. In the county of Pike, on the tenth day of March, the sixteenth day of June, and the twenty ninth day of September. In the county of Hocking, on the seventeenth day of March, the nineteenth day of May, and the sixth day of October. In the county of Ross, on the twenty fourth day of March, the second day of June, and the thirteenth day of October. In the county of Jackson, on the seventh day of April, the twenty sixth day of May, and the twenty seventh day of October. And in the county of Picka-

way, on the fourteenth day of April, the twenty third day of June, and the third day of November.

SEC. 3. That the court of common pleas shall be held in Miami county. the county of Miami, on the eighth day of April, on the twelfth day of August, and on the twenty first day of October.

SEC. 4. The second term of the court of common pleas in Lorain county. the county of Lorain, for the year eighteen hundred and forty five, shall be held on the sixth day of May; and the third term in the same county for the same year shall be held on the sixteenth day of September.

SEC. 5. That so much of the act to which this is an amendment as conflicts with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

To amend an act entitled "An act establishing seats of Justice," passed February 3, 1824.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all directors heretofore appointed, or that may be hereafter appointed, by virtue of the act to which this is an amendment, shall, annually, on or before the first Monday in March, deposit with the auditor of the proper county, a written statement, showing the number of town lots by him sold, the price for which each of said lots was sold, and the amount by said director paid over, according to the provisions of said act. Town directors shall annually deposit with county auditor written statement of lots sold, &c.

SEC. 2. That all money arising from the sale of any lot or lots as contemplated in said act, shall be, by the director, paid into the county treasury, within thirty day after he shall have received the same, taking duplicate receipts from the treasurer, one of which he shall immediately deposit with the auditor of the county who shall charge the treasurer therewith. Money arising from sale paid into county treasury.

SEC. 3. That if any director shall neglect or refuse to comply with all and singular the provisions of the first section of this act he shall be liable to a penalty of fifty dollars, to be recovered in an action of debt, in the name of the state of Ohio, before any court of competent jurisdiction. And if he shall neglect or refuse to comply with the provisions contained in the second section of this act, he shall be liable to a penalty of twenty five per centum on the amount of money so retained by him, together with interest and all costs which may accrue by reason of the same which amount, with penalty and interest, may be recovered in an action of debt as aforesaid. Penalty for neglect of duty.

Term of office.

SEC. 4. That said director shall hold his office for three years and until his successor is appointed and qualified; provided, however, that he shall be liable to be removed at any time for misconduct in office by the court of common pleas of the county appointing him.

SEC. 5. That all acts or part of acts inconsistent with this act, be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

To amend the act to provide for the incorporation of Townships, passed March 5, 1831.

Office of overseer of the poor abolished.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the office of overseer of the poor is hereby abolished, and so much of the seventh section of the act to provide for the incorporation of townships, passed March fifth, one thousand eight hundred and thirty one, as requires the election of overseers of the poor, be and the same is hereby repealed.

Township trustees to perform the duties of said office.

SEC. 2. That it shall be the duty of the township trustees to perform all the duties now performed by, and they are hereby invested with all the powers now vested in, the overseers of the poor, and for all services performed by them pursuant to this act, they shall be entitled to receive the same compensation per day as they are allowed by law for other services as trustees.

SEC. 3. This act shall take effect and be in force from and after the first day of April next.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

In addition to the act entitled an "An act to provide for the settlement of the estates of deceased persons," passed March 23, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any executor or administrator, who shall file a petition for the sale of real estate, shall resign or be removed

at any time before the conveyance of the same, under an order of the court, the administrator de bonis non shall proceed with such sale, and may convey the land sold before, or after his appointment, and may be required to give an additional bond in like manner as if such administrator de bonis non had filed the petition. This act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 19, 1845.

AN ACT

To create the Sixteenth Judicial Circuit, and to alter certain other Judicial Circuits.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the counties of Seneca, Crawford, Marion, Delaware and Wyandott shall compose the second judicial circuit. What counties shall compose the second circuit;

SEC. 2. That the counties of Henry, Wood, Lucas, Ottawa, Sandusky, Huron, and Erie shall compose the thirteenth judicial circuit. —What counties the thirteenth.

SEC. 3. That the counties of Shelby, Mercer, Allen, Hardin, Hancock, Putnam, Paulding, Vanwert and Williams shall compose the sixteenth judicial circuit. —What counties the sixteenth.

SEC. 4. That the times of holding the court of common pleas in the second circuit, shall be as follows: in the county of Seneca, on the fourth day of March, the twenty seventh day of May, and the twenty third day of September. In the county of Crawford, on the eighteenth day of March, the fifth day of June, and the second day of October. In the county of Marion, on the twenty fifth day of March, the eighteenth day of June, and the fifteenth day of October. In the county of Delaware, on the fifteenth day of April, the eighth day of July and the twenty first day of October. In the county of Wyandott, on the first day of July and fourth day of November. Times of holding court of common pleas in second circuit.

SEC. 5. That the times of holding the court of common pleas in the thirteenth circuit shall be as follows: In the county of Sandusky, on the eleventh day of March, the third day of June, and the seventh day of October. In the county of Ottawa, on the nineteenth day of March and twenty second day of October. In the county of Huron, on the twenty fourth day of March, tenth day of June, and fourteenth day of October. In the county of Erie, on the second day of April, nineteenth day of June, and twenty eighth day of October. In the county of Lucas, on the twenty first day of April, the sec- Thirteenth circuit.

ond day of July, and the eleventh day of November. In the county of Wood, on the first day of May, and thirtieth day of September. In the county of Henry, on the eighth day of May, and twenty third day of September.

Sixteenth circuit.

SEC. 6. That the court of common pleas in the sixteenth circuit shall be held, in the county of Shelby, on the first day of April, on the fourteenth day of July, and the fifteenth day of September. In the county of Hardin, on the fourteenth day of April, and the tenth day of November. In the county of Hancock, on the twenty first day of April, on the fourth day of August, and on the third day of November. In the county of Allen, on the twenty eighth day of April, and on the twenty seventh day of October. In the county of Mercer, on the fifth day of May, on the twenty first day of July, and on the twenty second day of September. In the county of Vanwert, on the twelfth day of May, and on the twenty ninth day of September. In the county of Putnam, on the nineteenth day of May, and on the sixth day of October. In the county of Paulding, on the twenty sixth day of May, and on the thirtieth day of October. In the county of Williams, on the second day of June, and on the twentieth day of October:

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 19, 1845.

AN ACT

Fixing the times of holding the Court of Common Pleas in the county of Delaware.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That hereafter the court of common pleas, for the county of Delaware, shall be holden therein as follows, to wit: On the first day of April, the eighth day of July, and the twenty first day of October, any law to the contrary notwithstanding.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 26, 1845.

AN ACT

To amend the act to regulate the Militia.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That each and every person enrolled, according to the provisions of the act to which this is an amendment, shall pay the sum of fifty cents, or perform one days labor on the highway between the first day of May and the first day of August annually, under the direction of the supervisor in whose district he may reside, in commutation of military duty, as provided in the fifth section of said act.

Commutation
of military
duty.

SEC. 2. That it shall be the duty of the township assessor to collect said sum of fifty cents, and to pay the same to the treasurer of said county, in the same manner as provided by the act to which this is an amendment.

Duty of town-
ship assessors.

SEC. 3. That all military officers and members of volunteer companies, organized according to the terms of the act aforesaid, during the time they may belong to, and perform military duty according to the provisions of the aforesaid act, and of this act amended thereto, be and they are hereby exempted from the labor on the roads and highways required by the act passed March twenty, one thousand eight hundred and thirty seven.

Who shall be ex-
empt from labor
on roads.

SEC. 4. That there shall be one company muster of volunteer companies in each year, to wit—on the first Friday in June, annually; and there shall be a brigade muster and encampment of said volunteer companies once in each year, commencing on the third Thursday in August, annually, and continuing not more than three, nor less than one day, in the manner specified in the act aforesaid, and the commandant of division shall review and cause to be inspected one brigade in his division, each and every year, commencing with the first brigade.

Company and
brigade musters,
when held.

SEC. 5. That every noncommissioned officer, musician and private, of any volunteer company, who shall refuse to appear fully armed and equipped on the day of muster, required by this act, shall, for every such refusal or neglect, pay the sum of one dollar for each company muster, and one dollar per day for each brigade muster.

Who shall be
fined for failure
to equip, &c.

Fine.

SEC. 6. It shall be the duty of the prosecuting attorney of the proper county to prosecute all suits against civil officers, provided for in the thirteenth section of the act to which this is an amendment, upon being informed of the delinquency of any of said officers.

Prosecuting at-
torney to prose-
cute all delin-
quents.

SEC. 7. That so much of the act to which this is an amendment, as conflicts with the provisions of this act, be and the same is hereby repealed.

Part of certain
act repealed.

SEC. 8. That so much of the act to which this is an amendment, or any act now in force as exempts from military duty any member of any fire engine, hose, or hook and ladder company, except such as reside in some town, village or city, and who belongs to, and are, active members of companies actually

Act relating to
firemen, repeal-
ed, &c.

- organized and supplied with suitable apparatus for the use of their respective companies, be and the same is hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate

February 25, 1845.

AN ACT

To incorporate the State Bank of Ohio and other Banking Companies.

Who, and how many may engage in banking.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for natural individual persons, not fewer in number, in any case than five, to associate and form companies for the purpose of carrying on the business of banking, each in such place in this state as shall be designated in its articles of association, and in a certificate hereinafter required to be made, subject, however, to the contingencies, restrictions, conditions, and liabilities prescribed in this act.

Maximum of capital stock.

SEC. 2. The aggregate amount of capital stock of all the companies, authorized by this act to be formed, and to carry on the business of banking within this state, shall not, until an additional amount shall be authorized by law, exceed six million one hundred and fifty thousand dollars; which sum shall not, however, be construed to include the capital stock of such companies, as, by name, shall be authorized to continue or to resume the business of banking, subject to the provisions of this act.

The state divided into twelve districts.

SEC. 3. For the purpose of securing to the several sections of the state, a fair participation in the privileges granted by this act, the state shall be divided into twelve districts, and the banking capital authorized by the second section, shall be apportioned among such districts, and the number of banking companies to be formed therein, shall be limited as provided in this section, that is to say—

First district;

The counties of Hamilton, Clermont, Brown, Clinton, Warren, and Butler, shall compose the first district, in which the number of banking companies to be formed shall not exceed five, with an aggregate capital not exceeding one million two hundred thousand dollars.

Second;

The counties of Greene, Montgomery, Preble, Miami, Darke, Shelby, Mercer, Allen, and Vanwert, shall compose the second district, in which the number of banking companies to be formed shall not exceed five, with an aggregate capital not exceeding six hundred thousand dollars.

Third;

The counties of Putnam, Paulding, Williams, Henry, Lucas, Wood, and Hancock, shall compose the third district, in which the number of banking companies to be formed shall not ex-

ceed four, with an aggregate capital not exceeding three hundred thousand dollars.

The counties of Ottawa, Sandusky, Erie, Huron, Richland, Seneca, Wyandott, and Crawford, shall compose the fourth district, in which the number of banking companies to be formed shall not exceed four, with an aggregate capital not exceeding four hundred thousand dollars. Fourth;

The counties of Hardin, Marion, Delaware, Franklin, Union, Logan, Champaign, Clark, and Madison, shall compose the fifth district, in which the number of banking companies to be formed shall not exceed six, with an aggregate capital not exceeding five hundred thousand dollars. Fifth;

The counties of Pickaway, Fayette, Ross, Highland, Adams, Scioto, Lawrence, Gallia, Pike, and Jackson, shall compose the sixth district, in which the number of banking companies to be formed shall not exceed five, with an aggregate capital not exceeding five hundred thousand dollars. Sixth;

The counties of Meigs, Athens, Washington, Monroe, Morgan, Muskingum, and Guernsey, shall compose the seventh district, in which the number of banking companies to be formed shall not exceed six, with an aggregate capital not exceeding five hundred thousand dollars. Seventh;

The counties of Hocking, Perry, Fairfield, Licking, and Knox, shall compose the eighth district, in which the number of banking companies to be formed shall not exceed four, with an aggregate capital not exceeding four hundred thousand dollars. Eighth;

The counties of Wayne, Stark, Holmes, Coshocton, and Tuscarawas shall compose the ninth district, in which the number of banking companies to be formed shall not exceed three, with an aggregate capital not exceeding two hundred and fifty thousand dollars. Ninth;

The counties of Belmont, Harrison, Jefferson, Carroll and Columbiana shall compose the tenth district, in which the number of banking companies to be formed shall not exceed five, with an aggregate capital not exceeding five hundred thousand dollars. Tenth;

The counties of Trumbull, Ashtabula, Lake, Geauga, and Portage shall compose the eleventh district, in which the number of banking companies to be formed shall not exceed five, with an aggregate capital not exceeding three hundred thousand dollars. Eleventh;

The counties of Summit, Medina, Lorain and Cuyahoga, shall compose the twelfth district, in which the number of banking companies to be formed shall not exceed eleven, with an aggregate capital not exceeding seven hundred thousand dollars. Twelfth.

Sec. 4. The number of banking companies which shall be formed and permitted to engage in the business of banking, under the provisions of this act—in the county of Hamilton shall not exceed four. In the county of Cuyahoga, six. Number of banking companies limited in counties designated.

In the county of Franklin, three. In the county of Ross, two. In the county of Muskingum, two. In the county of Jefferson, two. In the county of Summit, three. In the county of Lucas, two. In the county of Miami, two. In the county of Montgomery, two; and in no other county in the state shall there be more than one company formed under the provisions of this act, and permitted to engage in the business of banking, except under the circumstances mentioned and provided for in the twelfth section of this act; provided that not more than two companies shall be authorized to commence and carry on the business of banking, as branches of the State Bank of Ohio, under the provisions of this act, in any one of the counties named in this section, excepting the county of Hamilton, and in the county of Hamilton, not more than three such branches shall be so authorized; and if a greater number of companies, formed for the purpose of banking in any such county, shall elect to become a branch of the State Bank of Ohio, the commissioners, hereinafter appointed, shall reduce such number to the number in this section limited, in conformity to the rules prescribed in the eleventh section of this act.

Who shall constitute the board of bank commissioners;

—to continue in office one year.

Governor to appoint first meeting under this act, and notify each member.

Bankers to make certificate, specifying the name of company.

SEC. 5. To carry into effect the provisions of this act, John W. Allen, Joseph Olds, Daniel Kilgore, Alexander Grimes and Gustavus Swan, shall be and they are hereby appointed commissioners, and they, or a majority of them, after taking an oath diligently, faithfully, and impartially to perform the duties assigned them by this act, a certificate of which oath shall be filed and carefully preserved in the office of the secretary of state, shall constitute a board to be designated the board of bank commissioners; which board shall continue for one year from the date of this act, and thereafter the duties which they are required, by this act, to perform, shall devolve on, and be performed by, the auditor, treasurer and secretary of state, who shall be commissioners to perform such duties; and if any of said commissioners shall refuse to serve, shall die, or resign, his place shall be filled by the general assembly, by joint resolution, if in session, and, if not, by the governor.

SEC. 6. Said commissioners shall meet in the city of Columbus, at such time, within thirty days after the passage of this act, as shall be appointed by the governor, who shall notify each member of his appointment, and of the time and place of meeting; they shall, when met, appoint one of their number to be their president, who shall, under the order of the board, sign all official documents; and they shall cause a fair and true record of all their official proceedings to be kept in a book, provided for that purpose.

SEC. 7. Persons associating to form a banking company, shall, under their hands and seals, make a certificate, which shall specify:

First—The name assumed by such company, and by which it shall be known in its dealings, in which name shall be inclu-

ded the name of the city, village, or town, in which its banking operations shall be carried on;

Second—The amount of the capital stock of such company, Am't of stock.
and the number of shares into which the same is divided;

Third—The name and place of residence and the number of Number of shares.
shares held by each member of the company;

Fourth—The time when such company shall have been The time when the company was formed, and whether an independent company or a branch of the State Bank.
formed;

Fifth—That such company has elected to carry on its operations as an independent banking company, or, as a "branch of the State Bank of Ohio," as the case may be, which certificate shall be acknowledged before a justice of the peace or notary public, and shall be recorded by the recorder of the county where such company is to be established, in a book to be kept by him for that purpose, which shall at all times during office hours be kept open for the inspection of any person wishing to examine the same; one copy of which certificate duly certified shall be transmitted to the secretary of state, who shall record and carefully preserve the same in his office, Said certificate to be recorded, &c., &c.
and another to the board of bank commissioners.

SEC. 8. No company shall be permitted to commence or carry on the business of banking under the authority of this act, as a branch of the State Bank of Ohio, unless its capital stock shall be at least one hundred thousand dollars, nor as an independent banking company, unless its capital shall be at least fifty thousand dollars, nor in either case shall the capital stock of any such company exceed five hundred thousand dollars; provided however, that the certificates of the funded debt of this state, or of the United States, deposited with the treasurer of state, as collateral security for the redemption of the notes of circulation of any independent banking company shall not be deemed a part of the capital stock of such company, within the meaning of this act. Capital stock of an independent bank to be at least \$50,000, and of a branch of State Bank \$100,000, and the capital of neither to exceed \$500,000.
At least thirty per centum of the capital stock of each company shall be paid in gold and silver coin, or their equivalent, one half of which, thirty per centum, at least, shall be in gold and silver coin, and shall be in the actual possession, and bona fide, the property of the company at the time of the commencement of its banking business, and at the place designated for carrying on such business, and the remainder of the capital stock of such company shall be paid in, in installments each of at least ten per centum, on the whole amount to which the company is limited, as frequently as one installment at the end of each succeeding ninety days, Certificates of funded debt not deemed a part of capital stock.
until the whole amount of capital stock is paid in; but when any banking company formed under the provisions of this act, shall have paid in at least sixty per centum on the gross amount of its capital stock, and shall deem a further extension of its capital at such time unnecessary, such company may, if a branch of the State Bank of Ohio, apply to the board of control, or, if an independent banking company, to the governor, Amount of the capital stock of each company to be paid in gold or silver coin, or their equivalent;
How and when to be paid.
The board of control or governor, may, under certain circumstances, extend the time of payment of stock.

for an extension of the time for paying in the remaining installments on its capital stock, and if, after a careful examination of the facts, the board of control or the governor, as the case may be, shall be satisfied that public convenience does not require an increase of the capital stock of such company as rapidly as required by the foregoing provisions of this section, the board of control, or the governor, as the case may require, shall authorize such further extension of the time for paying in the remaining installments as shall be deemed compatible with the public interest; and this section shall not be so construed as to prevent any independent banking company that, previous to commencing its business as a bank, shall have paid in on its capital stock not less than thirty thousand dollars, and shall have deposited with, and transferred to, the treasurer of state, certificates of funded debt, as required by this act, to any amount not less than seventy thousand dollars, and shall also have complied with all the provisions of this act, other than such as relate to the amount of its capital stock, from commencing and carrying on its business as an independent banking company; and, in such case, such company shall not be required to have or pay in any additional amount of capital stock.

Upon failure, on the part of assignees or shareholders, the directors may sell their stock.

SEC. 9. If any shareholder, or his assignee, shall fail to pay any installment on the stock, when the same is required by the foregoing section to be paid, the directors may sell said stock, at public auction, having given three weeks previous notice thereof, in a newspaper published in the county where the company is located, to any person who will pay the highest price therefor, and not less than the amount then due thereon; and the excess, if any, after paying the expenses of sale, shall be refunded to the delinquent stockholder. If no bidder can be found, who will pay for such stock the amount due thereon, to the company, and costs of advertisement and sale, the amount previously paid shall be forfeited to the company; and such stock may be subsequently sold, in such manner as the directors may order.

When and where the board of bank commissioners may examine the certificates of banking companies, and the duties and qualifications of agents appointed to examine the condition of banks.

SEC. 10. After the expiration of two months, and within three months from the date of this act, the board of bank commissioners shall examine the certificates of the formation of banking companies, transmitted to them as required by the seventh section of this act, and shall, by one of their own members, or other special agent appointed by them for that purpose, who shall not be a stockholder in any of the companies formed under this act, immediately proceed to examine the condition of each of the banking companies which shall have transmitted to the said board the required certificate; and it shall be the especial duty of such agent to carefully count, or otherwise ascertain, the amount of money paid in on account of its capital stock; to ascertain the name and place of residence of each of the directors of such company, and the amount of capital stock of which each is the bona fide owner; whether such

company has complied with all the requirements of this act, necessary to entitle the company to engage in the business of banking; and he shall cause to be made, and attested by the oath of the majority of the directors, and by the cashier of such company, a statement of all the material facts necessary to enable the board of commissioners to determine whether such company is lawfully entitled to commence the business of banking under the provisions of this act; and such agent shall immediately report to the board of bank commissioners such statement, and his proceedings in the premises.

SEC. 11. If, upon a careful examination and comparison of the certificates of association, and the reports and statements of the special agents, appointed to ascertain whether the banking companies, authorized by this act, have complied with its provisions, it shall appear that any number of companies have been formed, and are lawfully entitled to commence the business of banking, provided the number of such companies, and the amount of their capital, collectively, in any district, shall not exceed the number and the amount of capital assigned to such district, nor in any county the number assigned to such county, the commissioners shall certify the same to the governor, who shall, if he be satisfied that the law has, in all respects, been complied with, issue his proclamation, setting forth that such companies are authorized to commence and carry on the business of banking, at the places severally designated in their certificates of association; but if the commissioners shall find that a number of banking companies shall have been formed, and shall have complied with all the requisitions of this act, preliminary to the commencement of the business of banking, in any district, greater than the number assigned to such district, then the commissioners shall determine which of such companies are to be preferred, and certify the same to the governor, as in this section provided; and, in forming such determination, they shall apply the following rules, in the order which they stand:

First: They shall avoid depriving any county, in which one or more of such companies are formed, of at least one.

Second: They shall prefer such companies as have the largest capital, provided at least thirty per centum thereof shall have been paid in.

Third: They shall prefer the company or companies whose stock is in the largest proportion, owned by citizens of the county in which such company is formed.

Fourth: They shall prefer the company or companies whose stock is in the largest proportion, owned by the citizens of the state.

Fifth: They shall prefer companies constituted by the most responsible stockholders. And in case more companies shall have been formed, and shall have complied with all the requirements of this act, preliminary to the commencement of business in any county, than the number assigned to such county, the

Duty of commissioners after they shall have examined the certificates and reports and statements of their agent or agents.

When more banking companies have been formed than are assigned by this law, in any district, the commissioners shall so select as to leave one in counties where companies have been formed.

They shall prefer companies having the largest capital;

—The largest stock owned in the county, and in the state;

—And having the most responsible stockholders.

When the companies in any district have, collectively, a larger amount of capital than that apportioned to each district, the amount shall be reduced by an equal ratio.

After the end of two years from the date of this act, companies may increase their capital stock, under certain specified restrictions.

commissioners, in determining to which a preference shall be given, shall observe the foregoing rules, excepting the first, in the order in which they stand. And if, after reducing the number of banking companies in any district to the number assigned to such district, it shall be found that such companies have, collectively, a greater amount of capital than the amount apportioned to such district, then the commissioners shall bring the aggregate capital within the prescribed limits, by reducing the capital which each company shall be authorized to employ, in equal ratio, on the amount thereof, over the minimum amount prescribed for such companies.

SEC. 12. After the end of two years from the date of this act, any banking company formed in any district may increase its capital stock to any amount not exceeding five hundred thousand dollars, nor exceeding the amount of capital assigned to such district, and remaining unappropriated; and in case more than one banking company shall apply for an increase of its capital stock, and the amount of the proposed increase shall exceed the whole amount of capital unappropriated in such district, then the commissioners shall assign such unappropriated capital, equally, to the companies demanding the same; but any new company, formed in any county having no banking company in the same, shall be preferred at any time before such capital is finally appropriated.

IN RELATION TO THE STATE BANK OF OHIO.

Whenever any number of companies, not less than seven, shall elect to commence banking operations, as branches of State Bank, they shall appoint members of the board of control.

Qualifications of members of the board of control.

When the board of control shall meet; how, and in what manner organized.

SEC. 13. Whenever, from an inspection of the certificates transmitted by banking companies to the board of bank commissioners, it shall appear that any number of said companies, not less than seven, inclusive of such existing companies as are, by this act, especially authorized to resume or continue banking operations under its provisions, have made their election to transact their banking operations, as branches of the State Bank of Ohio, and have complied with the requirements of this act, preliminary to the commencement of banking operations, then said commissioners shall immediately notify each of said companies thereof; and within ten days after receiving such notice, they shall each appoint, in such manner as the directors thereof shall prescribe, one person to be a member of the board of control of the State Bank of Ohio; and any two or more of such banking companies may unite in the appointment of the same person. But no person, who is not a citizen of the United States, and a resident of this state, and who has not resided within this state at least two years next previous to his appointment, shall be a member of the board of control.

SEC. 14. The members of the board of control, who shall have been appointed agreeably to the provisions of the next preceding section, shall meet in the city of Columbus, at such time as shall be designated by the board of bank commissioners. who shall give ten days previous notice to each branch of the time of such meeting; they shall each take on oath diligently,

faithfully, and impartially to perform the duties imposed on them by this act, a certificate of which oath shall be filed and preserved in the office of the secretary of state. They shall organize, provided two thirds of the whole number shall be convened, by electing some suitable person as president, whose duty it shall be to preside at the meetings of the board, and sign its official documents; they shall appoint a secretary, who shall keep a fair and true record of the proceedings of the board. They shall keep an office in the city of Columbus, which, together with their books, papers, records, and accounts of every description, shall, at all times, be open to the inspection of any committee of the general assembly, or either branch thereof, and of any commissioner or commissioners, especially appointed for that purpose by the general assembly, and of any person appointed by any one of the branches. They shall procure and furnish each branch with notes for circulation, and decide on the amount to be furnished, from time to time, to each, within the limits, and agreeably to the rules and restrictions prescribed by this act. They may prescribe rules for the settlement of balances between the branches, three fourths of the votes given, according to the rule of voting herein prescribed, concurring. They shall have power, by themselves, or by a committee of one or more members of their own board, or by a special agent appointed by them for that purpose, whenever, and as often as they shall think proper, to visit any branch, inspect its books, records and accounts, and all the evidences of debts due to, and securities held by, such branch; examine and ascertain the amount of money and other property held by such branch; examine, on oath, the president, directors, cashier, and all other officers, agents, clerks or servants of the branch, touching its condition, means and liabilities. They shall have power to require any branch to reduce its circulation, or other liabilities, within such limits as they shall, after full inquiry into its condition, deem necessary to secure from loss, either the dealers with such branch, or the other branches of the State Bank of Ohio. They may require the officers of each branch to make out, under oath, and transmit to the office of said board, at Columbus, statements of the condition thereof, in such form as such board shall prescribe, and as frequently as they shall deem proper; which statements shall be recorded in a book or books to be kept for that purpose. They may appoint an executive committee, of not less than five, of whom the president shall be one, to act in behalf of the board in all such cases, and perform all such duties as shall be prescribed by the bylaws of said board, not inconsistent with this act.

They shall furnish notes for circulation;

—Prescribe rules for the settlement of balances between branches;

And shall have power to visit, personally, or by agents, the various branches, and examine their affairs.

They may appoint an executive committee, &c.

SEC. 15. The president and secretary of the board of control shall each receive such compensation for their services as said board shall allow, which shall be assessed upon the several branches of the State Bank of Ohio, in the ratio of their capital stock. The board may also allow the executive committee

Compensation of members of the board of control, and the expense of printing notes, &c.; how raised.

such compensation as they shall deem just and reasonable, to be paid by the several branches, in the same manner; and the expenses of procuring plates and printing notes of circulation shall be paid by the several branches, in the ratio of the notes of circulation received by each.

The board of control shall be a body corporate until the 1st day of May, 1866.

SEC. 16. The board of control, from the time of its organization, until the first day of May, in the year one thousand eight hundred and sixty six, and thereafter, until the affairs of the several branches of the State Bank of Ohio shall be finally closed up, shall be a body corporate, with succession, and by the name of the State Bank of Ohio, capable of contracting and of prosecuting, and defending in suits or actions at law, or in chancery, as fully as natural persons, and of doing all other acts and things necessary to effect the object contemplated in this act by the formation of said board.

Regulations as to the term of office of members of the board of control; vacancies; and the president of said board.

SEC. 17. Each member of the board of control shall continue in office until the first Monday of February, next after his appointment, and until his successor shall be appointed and qualified; vacancies in the board shall be filled by the branch by which the appointment vacated was made; in voting each member shall be entitled to one vote, and to one additional vote for every fifty thousand dollars of the amount of notes of circulation, to which the branch or branches represented by him, is, or are entitled, at the time of such voting; the president of the board shall hold his office for one year, and until his successor shall be appointed, but may be removed by a resolution of the board; he shall take an oath, faithfully, diligently and impartially to fulfil the duties of his appointment, and not knowingly violate any of the provisions of this act; he may be required to give bond in such sum, and with such securities, as the board shall prescribe; and all vacancies in said appointment shall be filled by the board.

Notes issued by any branch, payable at said branch in gold and silver coin.

SEC. 18. All notes issued by any branch, intended to circulate as money, shall be payable at the branch by which they are issued in gold and silver coin, the lawful currency of the United States, or either, at the option of the branch, on demand; they shall be signed by the president of the board of control, countersigned by the cashier of the branch by which they are issued, made payable to bearer, and shall be negotiable by delivery; all other evidences of debt, issued by any branch, shall be negotiable or transferable in the same manner as if issued by a natural person, and shall be binding on the branch, whether under seal or not, and all such evidences of debt, other than notes of circulation, shall be payable to the order of some person therein named.

How notes to be signed and countersigned, &c.

The proportion of notes in circulation to the capital stock, to be regulated by the following ratio:

SEC. 19. No branch of the State Bank of Ohio shall, at any time, have in circulation notes in the similitude of bank notes, to an amount bearing a greater proportion to the capital stock of said branch, actually paid in, and at the time remaining undiminished by losses or withdrawal, exclusive of its portion of the safety fund, than the proportion hereinafter specified, that is to say:

On the first hundred thousand dollars, or any lesser amount of its capital, not more than twice the amount of such capital.

On the second hundred thousand dollars, or part thereof, not more than once and a half of the amount of such capital, over one hundred thousand.

On the third hundred thousand dollars, or part thereof, not more than once and a quarter the amount of such capital, over two hundred thousand.

On the fourth hundred thousand dollars, or part thereof, not more than once the amount of such capital, over three hundred thousand; and,

On any amount of capital, over four hundred thousand dollars, not more than three fourths the amount of such capital, over four hundred thousand, and on its portion of the safety fund an amount equal thereto.

SEC. 20. Notes designed for circulation shall be delivered by the board of control, to each branch on a written order, signed by the president, and a majority of the directors of such branch; such orders shall be carefully preserved by said board in their office; an accurate account of all the notes so delivered, the amount of the notes of each denomination so delivered, and the date of such delivery, shall be kept by the board of control, in a book or books, to be provided and kept in their office at Columbus; all notes so worn, defaced or mutilated as to be unfit for circulation, shall be returned by the branch by which they were issued, to the board of control, and an equal amount of new notes received therefor; all such notes so returned by a branch shall be credited, and all new ones delivered in their stead shall be charged to such branch, on the books of said board; and the notes so returned shall be burned to ashes, in the presence of the president, and at least two of the members of said board.

How notes, designed for circulation, to be delivered, &c.

Regulations as to defaced or mutilated notes.

SEC. 21. Before the board of control shall deliver to any branch, notes for circulation, they shall require such branch to pay over or deposit to the credit of said board, as said board shall order, either in money or in certificates of the stocks of this state, or of the United States, at their current value in the city of New York, but in no instance above their par value, an amount equal to ten per centum on the amount of the notes for circulation, which shall be delivered to such branch. And so from time to time, as any branch may, by the paying in of an additional amount on its capital stock, or by not having received the amount of notes for circulation to which it was previously entitled, be authorized to demand an additional amount of notes for circulation, such branch shall deposit with the board of control ten per centum on the amount of notes so required, and the stocks and money so deposited shall be denominated the "safety fund," and shall be invested as hereinafter prescribed, and held by the board of control, as the property of said board, in trust for the benefit of the several branches of the State Bank of Ohio, and as a fund for the redemption of the

Every branch required to pay over, or deposit to the credit of the board of control, 10 per cent. on the amount of notes given for circulation.

Stocks and money so paid and deposited, denominated the "safety fund."

notes of circulation of any one or more of said branches that may fail to redeem its notes, to be applied to that purpose in the manner pointed out by this act.

In what manner each branch may invest its portion of the safety fund.

SEC. 22. All money so deposited or paid to the board of control on account of the safety fund, by any branch, shall be under the direction of said board, invested by such branch, either in the stocks of the state, or of the United States, or in bonds secured by mortgages on unincumbered real estate situated in the county where such branch is located, or in adjoining counties, of at least twice the value in each case of the amount secured thereby, exclusive of buildings or other fixtures subject to be destroyed by fire, by floods or accidental occurrences, or of timber, mines or minerals, subject to waste; which bond shall be made payable on demand to the State Bank of Ohio, and shall bear such rate of interest as shall be agreed on by the parties, not exceeding seven per centum per annum, payable semiannually. Each branch shall be entitled to receive the interest accruing on the stocks or bonds in which its portion of the safety fund shall have been invested; and in case of the insolvency of any branch, the stocks and bonds in which the money of such branch shall have been invested as aforesaid, if the proceeds of such stock and bonds shall be sufficient to redeem its outstanding notes of circulation, shall as far as practicable, be first converted into money, and applied to that purpose, before any part of the safety fund belonging to other branches shall be so applied.

The branches entitled to receive interest accruing on its stocks or bonds.

To what amount stockholders and directors may be liable, either as debtors or sureties.

SEC. 23. The stockholders, collectively, of any branch shall at no time, be liable to such branch, either as principal debtors, or sureties, or both, to an amount exceeding one third part of the capital stock of such branch then actually paid in and remaining as capital stock. Nor shall the directors, collectively, be so liable to an amount exceeding one fourth part of the stock actually paid in, standing in their names, and of which they are collectively the bona fide owners in their own right; provided that such directors may be further permitted to become liable, as drawers or indorsers of bona fide foreign bills of exchange, drawn in this state, and payable at any place out of this state, to an amount, when added to their other liabilities, not exceeding one third of the capital stock actually paid in, and standing in the names of such directors; and the stockholders may become liable, in like manner, in such sum as, when added to their other liabilities, will not exceed one half of the capital stock of any such branch actually paid in.

If any branch refuses to redeem its notes, it shall be deemed insolvent, &c.

SEC. 24. If any branch of the State Bank of Ohio shall refuse to pay its notes of circulation, or any of them, in gold or silver coin, the lawful currency of the United States, on which payment shall be lawfully demanded at its banking house, or customary place of doing banking business, during usual banking hours, such branch shall be deemed to have committed an act of insolvency, and thereupon all its property, credits, securities, liens and assets of every description, shall

forthwith vest in, and be the property, credits, securities, liens and assets, of the board of control, for the uses and purposes declared in this act.

Sec. 25. The board of control, on receiving information that any branch of the State Bank of Ohio has committed an act of insolvency, shall forthwith appoint a committee of one or more of its members, who shall make immediate inquiry into the truth of such information, and report thereon to the board; and if the board shall be satisfied, from the report of the committee, that such branch has suspended the payment of its notes in gold and silver, they shall forthwith appoint a suitable receiver or receivers, who shall take immediate possession of the books, records, money, choses in action, and property of said branch of every description, and hold the same for the joint use and benefit of the other branches of the State Bank of Ohio, and the creditors of said failing branch; and said board of control shall immediately provide money, and place the same in such solvent branch or branches, as may be most convenient for the purpose of redeeming the notes of such failing branch, and shall give public notice thereof in some newspaper, printed in the place where such failing branch is located, and also in some newspaper of general circulation published at Columbus.

The board of control, upon the insolvency of any branch, to appoint a committee of examination; and, if satisfied of the fact, to appoint a receiver or receivers, &c.

Sec. 26. Each solvent branch shall contribute, in the ratio of the circulation to which it is entitled, to the sum necessary for redeeming the notes of the failing branch, as provided in the preceding section, on the requisition of the board of control, and may be remunerated for such contribution, from the safety fund, as soon as money sufficient can be raised from that fund, by a sale or hypothecation of the stock, funds, or other securities belonging thereto.

Each solvent branch to contribute for the redemption of the notes of a failing branch.

Sec. 27. The receiver or receivers, appointed as provided in the twenty fifth section, shall be required to give bond in such sum, and with such securities, as the board of control shall judge sufficient; and, under the direction of the said board, shall proceed to settle up its affairs, and convert its assets into money; the money so made shall be applied—

Receiver or receivers to give bond.

First: To reimburse all moneys which shall have been advanced by the several branches for the redemption of the notes and bills of the insolvent branch, and which may not have been previously reimbursed from the safety fund.

In what manner money made by receivers to be applied.

Second: To reimburse all moneys advanced from the safety fund, other than moneys derived from that portion of the safety fund furnished by the failing branch.

Third: To the payment and discharge of all the remaining liabilities of such branch; and—

Fourth: The residue shall be divided among the stockholders of the failing branch, in proportion to the stock by them respectively held.

Sec. 28. If any branch, against which the board of control shall have instituted proceedings, on account of any supposed

If any branch denies the fact or charge of insol-

vancy, it may apply to any court of competent jurisdiction for a writ of injunction, &c.

act of insolvency, as prescribed by the twenty fifth section of this act, shall deny having committed such act of insolvency, such company may apply to any court of competent jurisdiction for a writ of injunction to said board of control to suspend all further proceedings against such branch, as an insolvent company; and such court, after citing said board of control to appear and show cause why such writ should not be granted, and after the finding of a jury that such branch has, at all times continued, and still continues to redeem, in gold and silver coin, its notes of circulation, shall make an order, enjoining the board of control, from all further proceedings against such branch, on account of the supposed act of insolvency, on which such proceedings were instituted, and thereupon all the property and assets of such branch shall be restored to its directors.

The board of control may be compelled, by holders of notes or creditors, upon application to the court, to comply with the provisions of preceding sections.

SEC. 29. If the board of control shall, in any case, fail to proceed in the manner prescribed in the foregoing sections of this act, and providing for the payment of the outstanding notes of circulation, and in closing the affairs of any branch that shall have committed an act of insolvency, the holder of any of its notes of circulation, or other creditor of such branch may, in case payment of such notes of circulation or other claim, has been refused when lawfully demanded, and remains unpaid, apply to any court of competent jurisdiction, for its writ, commanding the board of control so to proceed; and it shall be the duty of such court, after citing such board to appear and show cause why such writ should not issue, and upon the finding of a jury that such act of insolvency has been committed, to issue their writ, commanding said board of control forthwith to proceed, in the manner pointed out in the preceding sections of this act, to provide for the payment of the outstanding notes of such branch, close up its affairs, and make application of its assets.

IN RELATION TO INDEPENDENT BANKING COMPANIES.

Independent banking companies to deposit with treasurer of state, certificates of funded debt of this state, or of the United States equal in amount to the amount of their capital stock.

SEC. 30. Each company that shall have elected to carry on its business as an independent banking company, and shall have complied with the requirements of this act, preliminary to the commencement of banking business, shall, before it shall commence such business, and before it shall be held to have acquired corporate powers, deposit with and transfer to the treasurer of state certificates of the funded debt of this state, or of the United States, at least equal in amount to the amount of its capital stock, at such time paid in; and, from time to time, as an additional installment, or portion of its capital stock, shall be paid in, additional certificates of the funded debts above specified, at least equal in amount to the amount of such additional payments of capital stock, shall, within thirty days after such payment, be deposited with and transferred to the treasurer of state, but no such certificate of funded debt shall be received

by said treasurer at a rate or price above the average selling price of such certificates at the New York stock exchange, for the four weeks next preceding the time of the receipt thereof by the treasurer, nor shall any certificate of the funded debt of this state be received at any rate above its par value, exclusive of the unpaid interest that may have accrued thereon; and if such company shall fail to make deposits and transfers of stock, as in this section required, all its franchises and powers derived from this act, except such as may be necessary to settle up its affairs, shall immediately cease and determine.

SEC. 31. The treasurer of state shall deliver, from time to time as he may be prepared so to do, to any independent banking company that may have entitled itself thereto, on the written order of the president and a majority of its directors, notes for circulation to any amount not exceeding the value of the certificates of funded debt deposited with, and transferred to him by such company, as prescribed by the preceding section; but at no time shall the total amount of such notes, delivered to any such company, exceed three times the amount at such time actually paid in on its capital stock, and remaining as capital stock, undiminished by losses or otherwise.

Treasurer of state to deliver to independent banking companies their notes for circulation, &c.

SEC. 32. In order to furnish suitable notes for circulation to such independent banking companies, the treasurer of state is hereby authorized and required to cause to be engraved and printed, in the best manner to guard against counterfeiting, such quantity of circulating notes in the similitude of bank notes, in blank, of the several denominations provided for in this act, as he may from time to time deem necessary to furnish to such independent banking companies, according to the provisions hereinafter set forth; which notes shall be countersigned, numbered, and registered in proper books, to be provided and kept for that purpose, in the office of said treasurer, under his direction, by such person or persons as he may appoint, so that each denomination of such circulating notes shall bear the uniform signature of one of such registers; and all the notes of each separate denomination shall bear the same device, and bear a general similitude; and the notes or bills to be so countersigned shall have stamped or printed on their face the words, "secured by the pledge of stock."

Authority given to the treasurer of state, to cause to be engraved, and printed, circulating notes.

SEC. 33. The plates, dies, and materials to be procured by the treasurer of state, for the printing and making the circulating notes, provided for in the thirty second section of this act, shall remain in the custody of said treasurer, and under his direction; and the expense necessarily incurred by him, in executing the provisions of this act, shall be audited and settled by the auditor of state, and paid out of any moneys in the treasury, not otherwise appropriated; and, for the purpose of reimbursing the same to the treasury, the said treasurer is hereby authorized and required to charge against, and receive from, each company receiving such circulating notes, such

The plates, dies and materials for printing and making circulating notes, to be in the care of the treasurer;

How expense paid.

rate per centum thereon as may be sufficient for that purpose, and shall, from time to time, equalize said expenses among the companies to whom such circulating notes may be furnished.

When a company may issue and circulate its notes as money.

SEC. 34. After any such independent banking company shall have caused to be executed and signed, by the president and cashier thereof, the circulating notes received from the treasurer of state, in such manner as may be requisite to make them obligatory notes, payable on demand, at its place of business, such company is hereby authorized to issue and circulate the same as money.

Mutilated circulating notes to be destroyed.

SEC. 35. It shall be the duty of the treasurer of state to receive mutilated circulating notes, issued by him to any of such independent banking companies, and to deliver in place thereof other circulating notes to an equal amount; and the said mutilated notes, after a memorandum shall have been entered in the proper book or books, shall be burned to ashes by the said treasurer, in the presence of the secretary of state and the officer or agent of said company by whom the said notes shall have been delivered to the said treasurer, and a certificate of said burning, signed by said treasurer, shall be made in the books of the register, and a duplicate thereof given to said agent.

Regulations as to the interest or dividend upon stock deposited and pledged.

SEC. 36. The treasurer of state shall give to any company, by whom any stock shall have been deposited, according to the provisions of the thirtieth section of this act, powers of attorney to receive the interest or dividends thereon, which interest or dividend such company may receive and apply to its own use; but such powers of attorney shall become void upon any such company failing to redeem the circulating notes issued by such company; provided, however, that whenever the price of any of the stocks pledged for the security or redemption of the circulating notes issued by any such company, as aforesaid, shall be at the stock exchange, in the city of New York, for four consecutive weeks, at a price or rate less than the value of which such stock shall have been estimated, when so deposited and pledged, the treasurer shall receive and retain the interest or dividend on such depreciated stock, so pledged, until the interest so received, when added to the market value of stocks so pledged, to be ascertained as in this section before provided, will be equal in amount to the amount for which such stocks were pledged, and he shall deposit the amount so received with any solvent banking company in this state, at such rate of interest as shall be agreed upon, or, at the option of the company by which such stocks were deposited, invest such interest or dividends in any of the stocks by this act authorized to be pledged, in the name of the treasurer of state, in trust for the banking company by whom the stocks, on which such interest or dividends may have accrued, shall have been pledged, and whenever the price of such depreciated stocks, at the New York stock exchange, shall rise to the price at which they were pledged by the company, and so remain for four

consecutive weeks, such investment shall be assigned to such company, and all accruing interest on such pledged stock shall thereafter be paid to such company.

SEC. 37. The stocks transferred to the treasurer of state, by an independent banking company, for the security of its circulating notes, shall be held by him exclusively for that purpose, until such notes shall be redeemed, except as herein-after provided.

Stocks given as security held exclusively by the treasurer.

SEC. 38. If any such independent banking company shall fail to redeem, in gold or silver coin, any of its circulating notes, issued in pursuance of the provisions of this act, when payment thereof shall be lawfully demanded, during the usual hours of business, at the office of such company, the holder of such note or notes may cause one or more thereof to be protested by a notary public, who shall, on protesting the same, forthwith forward notice of such protest to the treasurer of state, and after such protest suffered, it shall not be lawful for the company thus suffering protest, to pay out any of its notes, discount any notes or bills, or otherwise engage in the business of banking, except to receive and safely keep moneys belonging to it, and to deliver special deposits; provided, however, that if satisfactory proof be produced to such notary public that the payment of any such note or notes is restrained or delayed by order of any court of competent jurisdiction, such notary public shall not protest the same; where the holder of such notes shall cause more than one to be protested on the same day, he shall not receive pay for more than one such protest.

What to be done when any independent banking company fails to redeem its circulating notes.

SEC. 39. In case any such independent banking company shall fail to pay, and redeem its circulating notes on demand, in gold or silver coin, as specified in the next preceding section of this act, the treasurer of state shall, within thirty days after he shall have received notice of such failure, cause the stocks pledged by such company, or so much thereof as may be necessary to redeem the outstanding circulating notes of such company, to be sold either at the stock exchange in the city of New York, after giving notice of such sale to such company, and also advertising the time and place of sale, with a pertinent description of the stocks to be offered for sale, in two or more newspapers published in the city of New York, for not less than ten consecutive days before the day of sale, or at the state treasury in the city of Columbus, giving notice to said company, and also advertising, in one or more newspapers published in the city of Columbus, and one or more newspapers in general circulation in the county where the office of such failing company is situated; which advertisements shall contain the same particulars as are required herein, where sales are to be made in the city of New York; and out of the proceeds of such sale the treasurer shall pay, in a ratable proportion, the circulating notes of such company, of which due notice shall be given, calling upon the holders of such notes to present them for such payment, at the state treasury; provided that if any

When any independent banking company fails to pay or redeem, the treasurer of state to make sale of stocks pledged.

How proceeds of sale to be distributed.

of the circulating notes of such failing company shall not be presented, for redemption, at the state treasury, until after the term of two years from the date of the first publication of the notice to the holders of such notes, to present the same at the state treasury, the treasurer may pay, ratably, to the holders of the notes previously presented, if such notes shall not have been previously paid in full, whatever of the proceeds of such sale, remaining in his hands, may be needed to fully discharge such notes so presented.

Treasurer with the advice of the secretary and auditor, may hypothecate or sell at private sale deposited stocks.

SEC. 40. The treasurer of state may, if he shall deem that the interests of the noteholders of any insolvent banking company will be best promoted thereby, with the advice of the auditor and secretary of state, hypothecate, or sell at private sale, any of the stocks transferred to, and deposited with him, by such company, to any other independent banking company, or to any individual person or firm, and receive therefor, either money, or the circulating notes of such failing company; provided that no such stock shall be sold, by private sale, at less than the par value thereof, nor at less than its selling price, at the New York stock exchange, at the date of the last received information, nor shall any such stock be sold on credit.

How a special agent to be appointed after the insolvency of an independent banking company.

SEC. 41. On receiving notice that any such independent banking company shall have committed an act of insolvency, as hereinbefore defined, the treasurer of state, the secretary of state, and the auditor of state, or a majority of them, shall appoint a special agent, who shall immediately proceed to ascertain whether such company has refused to pay its notes in gold and silver coin, when lawfully demanded, and report to the said treasurer, secretary and auditor, the facts so ascertained; and if, from the report so made, said treasurer, secretary and auditor, or a majority of them, shall be satisfied that such company has suspended the payment of its circulating notes, when lawfully demanded, in gold and silver coin, they shall forthwith appoint a receiver or receivers, and require of him or them such bond and security as they shall deem proper, who shall proceed to take possession of the books, records and assets, of every description, of such company; collect all debts, dues and other claims, belonging to such company; settle, and, with the approbation of an agent, to be appointed by the stockholders for the protection of their interests, compound for all bad and doubtful debts; sell all the real and personal property of said company and to pay over all moneys so made, to the treasurer of state; and the treasurer of state shall cause notice to be given, by advertisement, in one or more newspapers published in the city of Columbus, and also in one or more newspapers, in general circulation, in the county where the office of such insolvent company shall be situated, for six consecutive months, calling on all persons who may have claims against such company, to make legal proof thereof; and, after the end of one year from the first publication of such notice, the treasurer, after full provision shall have been made for redeeming the cir-

culating notes of such company, shall make a ratable dividend of the moneys so paid over to him by such receiver or receivers, inclusive of moneys received by him on sales of stock transferred to, and deposited with him by such company, on all such claims as may have been so proved; and from time to time, as the proceeds of the assets of said company shall be paid over to him, the said treasurer shall make further dividends, as aforesaid, on all claims previously proved; and the remainder, if any thing, shall be paid over to the stockholders of the company, or their legal representatives, in proportion to the stock by them severally held; provided, however, that if any independent banking company, against which proceedings have been instituted, as prescribed in this section, on account of any supposed act of insolvency, shall deny having committed such act, such company may apply to any court of competent jurisdiction to enjoin further proceedings in the premises; and such court, after citing the treasurer, secretary and auditor of state, to show cause why further proceedings should not be enjoined, and, after the finding of a jury, that such company has not suspended the payment of its notes, when legally presented, in gold and silver coin, shall make an order, enjoining said treasurer, auditor and secretary of state, and any receiver or receivers appointed by them, from all further proceedings on account of such supposed act of insolvency.

How proceeds of an insolvent bank disposed of.

Proceedings may be enjoined and the fact of insolvency tried;

SEC. 42. If the original capital stock of any of such independent banking companies shall, in any manner, be diminished, or any portion thereof be withdrawn for any purpose whatever, while any debts or demands against such company remain unsatisfied, no dividends shall, thereafter, be made on the shares of the capital stock of such company, until the original amount of the capital stock shall be restored, either by contribution of the shareholders, or out of the profits of the business of such company; and in case any dividend shall be made while the capital stock shall remain so diminished or withdrawn, it shall be the duty of any court, having competent jurisdiction, to issue the necessary orders and decrees for closing the affairs of such company, and dividing its effects among its creditors and shareholders, as in this act provided.

No dividends to be made on shares whilst any debts or demands remain unsatisfied.

SEC. 43. All fees for protesting the notes issued by any such independent banking company, shall be paid by the person procuring the protest to be made, and such company shall be liable therefor; but no part of the stocks pledged by such company to the treasurer, shall be applied to the payment of such fees; and all expenses incurred in conducting the sale of any such pledged stocks, and advertisements thereof, shall be paid out of the proceeds of such sales.

Fees for protesting, how paid.

SEC. 44. The stockholders, collectively, of any independent banking company shall, at no time, be liable to such company, either as principal debtors or sureties, or both, to an amount greater than three fifths of the amount of capital stock actually paid in, and remaining undiminished, by losses or other-

To what amount stockholders may, collectively, be liable.

wise; nor shall the directors be so liable, except to such amount, and in such manner, as shall be prescribed by the bylaws of such company. adopted by its stockholders, to regulate such liabilities; and it shall be the duty of the auditor, treasurer and secretary of state, or a majority of them, as often as once in each year, to appoint some suitable person, in the vicinity of each independent banking company, who shall not be a stockholder in any bank of this state, who shall have power to make a thorough examination into all the affairs of the bank which he may be appointed to examine, and, in so doing, to examine any of the officers and agents of such bank on oath; and such agent shall make a detailed report of the condition of such bank to the auditor of state; and the banking companies, deriving their powers and privileges from this act, shall not be subject to any other visitorial powers than such as are authorized by this act, except such as are vested in the several courts of law and chancery; and every agent appointed, as in this section provided, shall receive, for his services, at the rate of two dollars for each day by him employed in such examination, and two dollars for every twenty five miles he shall necessarily travel in the performance of his duty, which shall be paid by the banking company by him examined.

Independent banking companies to be visited and examined, once, annually.

When and under what conditions certificates of funded debt may be retransferred to independent banking companies.

SEC. 45. Whenever any independent banking company, being desirous of diminishing the amount of its circulating notes, shall deliver to the treasurer of state any portion of such notes, not less in amount at any one time than five thousand dollars, to be destroyed, the treasurer shall destroy the same, as prescribed in section thirty five, and shall, thereupon, retransfer and deliver to such company certificates of funded debt deposited with him by such company to an amount equal to the amount of notes so delivered up; provided that the amount of such certificates remaining with the treasurer shall not, thereby, be reduced below the amount of the capital stock of such company at that time paid in, nor in any case below the sum of fifty thousand dollars, nor in value, estimating the same at their then current price in the city of New York, below the amount of circulating notes still retained by such company; nor shall the treasurer be required to retransfer such certificates in fractional sums of less than one thousand dollars; and whenever any such company, being desirous of relinquishing its banking business, shall have paid at least ninety per centum of the maximum amount of its circulating notes, and shall have delivered the same to the treasurer of state, to be destroyed, and shall have provided means and given security, to the satisfaction of the treasurer, secretary, and auditor of state, for the redemption of its outstanding notes of circulation, at the place where the office of such company was established, and shall have given notice thereof by advertisement, for six consecutive months, in two newspapers of general circulation, published at Columbus, and at least one published in the city, town, or village where the office of such company is located,

it shall be lawful for the treasurer of state to retransfer and deliver to such company, all the certificates of funded debt, previously pledged with him by such company, and, thereupon, all the corporate powers of such company, except such as shall be necessary to close up its affairs, shall cease.

GENERAL PROVISIONS.

SEC. 46. The capital stock of each banking company shall be divided into shares of one hundred dollars each, and shall be assignable on the books of the company, in such manner as its bylaws shall prescribe; but no shareholder shall have power to sell or transfer any shares, held in his own right, so long as he shall be liable, either as principal, debtor, surety, or otherwise, to the company, for any debt which shall have become due, and remains unpaid; nor in such case shall such shareholder be entitled to receive any dividend, interest, or profit on such shares so long as such liabilities shall continue; but all such dividends, interests, or profits, shall be retained by the company, and applied to the discharge of such liabilities; and no stock shall be transferred, without the consent of a majority of the directors, while the holder thereof is indebted to the company.

100 dollars the amount of each share.

No shareholder to receive dividends or profits so long as he may be in debt to any company.

SEC. 47. No banking company shall take, as security, for any loan or discount, a lien upon any part of its capital stock, but the same security, both in kind and amount, shall be required of shareholders as of persons not shareholders; and no banking company shall be the holder or purchaser of any portion of its capital stock, or of the capital stock of any other incorporated company, unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, on security, which at the time was deemed adequate to insure the payment of such debt, independent of any lien upon such stock, or in case of forfeitures of stock for the nonpayment of installments due thereon, as provided in the ninth section; and stock so purchased shall in no case be held by the company, so purchasing, for a longer period of time than six months, if the same can be sold for what the stock cost, at par.

No banking company shall receive as security, a lien upon any part of its capital stock, nor make any purchase of stock, except under conditions specified.

SEC. 48. In all elections of directors, and in deciding all questions at meetings of stockholders, each share shall entitle the owner thereof to one vote. Stockholders may vote by proxies duly authorized, in writing; but no officer, clerk, teller or book keeper of the company shall act as proxy; and no stockholder, whose liability to the company is past due and unpaid, shall be allowed to vote.

Stockholders entitled to one vote for each share.

SEC. 49. The affairs of every company, formed and organized to carry on the business of banking under the provisions of this act, shall be managed by not less than five, nor more than nine directors. Every director shall, during his whole term of service, be a citizen of the United States, and a resident of this state. At least three fourths of the directors shall have resided in this state two years next previous to their

The number and qualifications of directors.

election as directors; each director shall own in his own name and right, at least one per centum of the capital stock of the company, up to two hundred thousand dollars, and the half of one per centum on its capital, over two hundred thousand dollars. The directors of each banking company, collectively, shall own at least one tenth of its capital stock. Each director shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of the company, and not knowingly violate, or willingly permit to be violated any of the provisions of this act—that he is the bona fide owner, in his own right, of the stock, standing in his name on the books of the company, and that the same is not hypothecated, or in any way pledged as security, for any loan obtained, or debt owing; which oath, subscribed by himself, and certified by the magistrate before whom it is taken, shall be filed and carefully preserved in the office of the recorder of the county in which the banking company is located.

The time for which directors may be elected; how vacancies may occur and now filled.

SEC. 50. The directors of any banking company first elected, shall hold their places until the first Monday in January, next thereafter, and until their successors shall be elected and qualified. All subsequent elections shall be held annually, on the first Monday of January, and the directors so elected, shall hold their places for one year, and until their successors are elected and qualified. But any director, removing from the state or ceasing to be the owner of the requisite amount of stock, shall thereby vacate his place. Any vacancy in the board shall be filled by appointment by the remaining directors. The director so appointed shall hold his place until the next annual election; and if, from any cause, an election of directors shall not be made at the time appointed, the company shall not, for that cause, be dissolved, but an election may be held on any subsequent day, thirty days' notice thereof having been given in a newspaper printed in the county where the company is located.

Banking companies body corporate until the 1st of May 1868.

SEC. 51. Every banking company, authorized to carry on the business of banking, under the provisions of this act, whether as a branch of the State Bank of Ohio, or as an independent banking company, shall be held and adjudged to be a body corporate, with succession until the first day of May, in the year one thousand eight hundred and sixty six, and thereafter, until its affairs shall be closed, and by its corporate name shall be competent to contract, prosecute and defend suits and actions of every description as fully as natural persons; and process against such company may be served upon its president or cashier, or by leaving a copy thereof at its usual place of business during usual business hours. Each of said banking companies shall, until the first day of May, in the year one thousand eight hundred and sixty six, if so long it shall comply with the provisions of this act, have power to loan money, buy, sell and discount bills of exchange, notes, and all other written evidences of debt, except such as it shall be prohibited by

Their powers and privileges.

this act from buying, selling, or discounting—receive deposits—buy and sell gold and silver coin and bullion—collect and pay over money, and transact all other business properly appertaining to banking, subject, however, to the provisions and restrictions contained in this act; may acquire, hold and convey such real estate as may be necessary to the convenient transaction of its business, and no more; but may, however, acquire title to any real estate pledged to secure any debt previously contracted, or purchased on an execution or order of sale, to satisfy any judgment or decree in its favor, or which shall have been conveyed to it, in payment of any previous debt; but shall not hold any real estate, so acquired, longer than is necessary to avoid a loss of any part of the debt, interests and costs, for the collection or security of which it was acquired; but at any time before selling the same, upon being tendered by the last preceding owner, or his legal representatives, such sum as shall be necessary to save such company from loss of any part of the debt, interest, taxes, costs and other necessary charges for the collection or security of which such real estate was acquired, such company shall release to such owner, his legal representatives or assigns, all its right title and interest therein.

SEC. 52. Notes of one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars, fifty dollars, and one hundred dollars each, and no note of any other denomination, may be issued by any banking company deriving any of its powers or privileges from this act. Of the notes issued by any such banking company, not more than ten per centum of the amount shall be in notes of one dollar each; not more than five per centum in notes of two dollars each; not more than ten per centum in notes of three dollars each; not more than twenty per centum shall be in notes of all denominations under five dollars; not more than fifty per centum in notes of all denominations under ten dollars.

The denominations of notes to be issued and the amount of each denomination.

SEC. 53. No banking company, deriving any of its powers or privileges from this act, shall at any time issue, or have in circulation, any note, draft, bill of exchange, acceptance, certificate of deposit, or other evidence of debt, which, from its character or appearance, shall be calculated or intended to circulate as money, other than such notes of circulation as are by this act described, and which such companies are expressly authorized to issue for the purpose of being circulated as money.

Nothing to be circulated as money, except such notes as have been described.

SEC. 54. Each independent banking company shall receive at par, at the office or banking house of such company, in payment for debts due for notes of hand, bills of exchange, or other evidences of debt, discounted or purchased by, or belonging to, such company, the notes of circulation issued by any other independent banking company, authorized to issue such notes by this act, which shall, at the time, redeem its notes in gold and silver coin; and every branch bank of the

Each company to redeem the notes of all other independent companies at par.

Each branch of State Bank to receive, at par, the notes of other branches.

State Bank of Ohio shall receive at par, at the office or banking house of such company, in payment of debts due for notes of hand, bills of exchange, or other evidences of debt discounted or purchased by, or belonging to, such branch bank, the notes of circulation issued by any other branch of the State Bank of Ohio.

Each banking company, at all times, shall have on hand, in gold and silver, or their equivalent, at least 30 per cent. of the amount of its outstanding notes, &c.

SEC. 55. Each banking company shall, at all times, have on hand, in gold and silver coin, or their equivalent, one half at least of which shall be in gold and silver coin in its vault, an amount equal to at least thirty per centum of the amount of its outstanding notes of circulation; and whenever the amount of its outstanding notes of circulation shall exceed the above named proportion, for the space of twelve days, or whenever the said gold and silver coin, or their equivalent, shall at any time fall below the amount of twenty per centum of its circulation, no more of its notes shall be paid out, or otherwise put in circulation, by such banking company, nor shall such company increase its liabilities by making any new loans or discounts other than discounting or purchasing bills of exchange, payable at sight, nor make any dividend of its profits, until the required proportion between its outstanding notes of circulation and gold silver coin, or their equivalent on hand, shall be restored. Actual deposits with any solvent bank or banker of established credit in the cities of New York, Boston, Philadelphia, or Baltimore, subject to be drawn against at sight, payable in gold and silver coin, shall be deemed equivalent to gold and silver coin, wherever these terms are used in this act.

To what extent banks may be liable.

SEC. 56. No banking company deriving any of its powers or privileges from this act, shall at any time be indebted, or in any way liable, to an amount exceeding, if a branch of the State Bank of Ohio, two thirds, or, if an independent banking company, the whole amount of its capital stock at such time actually paid in, and remaining as capital stock, undiminished by losses or otherwise, except on the following accounts, that is to say:

First—On account of its notes of circulation;

Second—On account of moneys deposited with, or collected by, such company;

Third—On account of bills of exchange or drafts drawn against money actually in deposit to the credit of, or due to, such company;

Fourth—Liabilities to its stockholders on account of money paid in, on capital stock and dividends thereon.

Prohibitions upon banking companies.

SEC. 57. No banking company shall either directly or indirectly pledge, hypothecate, or exchange any of its notes of circulation for the purpose of procuring money, to be paid in on its capital stock, or to be used in its ordinary banking operations, or for the purpose of purchasing certificates of state stock, to be deposited with the treasurer of state, or with the board of control; nor shall any banking company apply, or permit to be applied, hypothecated, or pledged any portion of

its capital stock to the purchase of certificates of state stock, to be deposited with the treasurer of state as collateral security for the redemption of its notes of circulation.

SEC. 58. No banking company shall, during the time it shall continue its operations as a bank, withdraw, or permit to be withdrawn, either in form of dividends, loans to stockholders for a longer period of time than six months, or in any other manner, any portion of its capital stock; and if losses shall at any time have been sustained by any banking company equal to or exceeding its undivided profits then on hand, no dividend shall be made, and no dividend shall ever be made by any banking company while it shall continue its banking operations, to an amount greater than its net profits then on hand, deducting therefrom its losses, bad and suspended debts; and all debts due to a banking company, on which interest is past due and unpaid for a period of six months, unless the same shall be well secured, and shall be in process of collection, shall be considered bad or suspended debts within the meaning of this act.

Loans to stockholders not to exceed 6 months —and dividends always to be made upon the net profits, &c.

SEC. 59. The directors of each banking company shall, semiannually, on the first Monday in May and November, declare a dividend of so much of the net profits of the company as they shall judge expedient; and, on each dividend day the cashier shall make, and verify by his oath, a full, clear, and accurate statement of the condition of the company, as it shall be on that day, after declaring the dividend; and similar statements shall also be made on the first Monday of February and August, in each year; which statement shall contain—

When dividends to be declared.

First—the amount of the capital stock actually paid in, and then remaining, as the capital stock of the company;

Statements to be made twice annually, containing the following particulars.

Second—The amount of the bills or notes of the company, then in circulation, specifying the amount of each denomination;

Third—The greatest amount in circulation at any time, since the making of the last previous statement, as shall have been exhibited by the weekly statements of the cashier, specifying the times when the same occurred;

Fourth—The amount of balances and debts of every kind due to the branches of the State Bank of Ohio, the amount due to other banking companies of the state, and the amount due to banks not of this state;

Fifth—The amount due to depositors;

Sixth—The total amount of debts and liabilities, of every description, and the greatest amount since the making of the last previous statement, specifying the time when the same occurred;

Seventh—The total amount of dividends declared on the day of making the statement;

Eighth—The amount of gold and silver coin and bullion, belonging to such company, and in possession, at the time of making the statement, designating the amount of each;

Ninth—The amount subject to be drawn at sight, in gold and silver, then remaining on deposit with solvent specie paying banks, or bankers in the cities of New York, Philadelphia, Boston and Baltimore;

Tenth—The amount then on hand, of bills or notes, issued by branches of the State Bank of Ohio, the amount issued by other banking companies of this state, and the amount issued by banks not of this state;

Eleventh—The amount of balances due from branches of the State Bank of Ohio, the amount due from other banking companies of this state, and the amount due from banks not of this state, excluding, in the latter case, deposits in the cities of New York, Philadelphia, Boston and Baltimore, subject to sight drafts, payable in specie;

Twelfth—The amount on hand of bills, bonds, notes, and other evidences of debt, discounted or purchased by the company, specifying particularly the amount of suspended debt, the amount considered bad, the amount considered doubtful, and the amount in suit or judgment;

Thirteenth—The value of the real and personal property, held for the convenience of the company, specifying the amount of each;

Fourteenth—The amount of real estate taken in payment of debts due the company;

Fifteenth—The amount of the undivided profits of the company;

Sixteenth—The total amount of the liabilities to the company by the directors thereof, collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as indorsers or sureties;

Seventeenth—The total amount of liabilities to the company of the stockholders thereof, collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as indorsers or sureties; which statement shall be forthwith transmitted to the auditor of state.

Banking companies, on the days designated for declaring dividends, to set off to the state six per cent. on its profits, &c.

SEC. 60. Each banking company, organized under this act, or accepting thereof, and complying with its provisions, shall, semiannually, on the days designated in the fifty ninth section for declaring dividends, set off to the state six per centum on the profits, deducting therefrom the expenses and ascertained losses of the company, for the six months next preceding; which sum or amount, so set off, shall be in lieu of all taxes to which such company, or the stockholders thereof, on account of stock owned therein, would otherwise be subject; and the cashier shall, within ten days thereafter, inform the auditor of state of the amount so set off, and shall pay the same to the treasurer of state, on the order of said auditor; but in computing the profits of the company, for the purposes aforesaid, the interest received on the certificates of the funded debt of this state, held by the company, or deposited with, and transferred to the treasurer of state, or to the board of control by such company, shall not be taken into the account.

SEC. 61. Every banking company, deriving any of its powers and privileges from this act, may take, reserve, receive and charge, on any loan or discount made, or upon any note or bill of exchange, or other evidence of debt, at the rate of six per centum per annum on the amount of any such note, bill of exchange, or other evidence of debt, so discounted, and no more; provided, however, that interest may be reserved, or taken in advance, at the time of making the loan or discount, according to the usual rules of banking, or as calculated in Rowlett's tables; and the knowingly taking, reserving or charging, on any debt or demand payable to such company, of a rate of interest greater than that allowed by this section, shall be held and adjudged a forfeiture of such debt or demand; but the purchase, discount or sale, of a bill of exchange payable at another place than the place of such purchase, discount or sale, at the current discount or premium, shall not be considered a taking, reserving or receiving interest; provided no agreement or understanding shall be made that the same shall be paid at any other place than that at which it is made payable.

Every banking company may charge 6 per cent on discounts, notes, &c.; but any greater rate of interest shall cause a forfeiture of the debt or demand, &c.

SEC. 62. The total liabilities of any person, or of any company or firm (including, in the liabilities of a company or firm, the liabilities of the several members thereof) to any banking company, deriving any of its powers or privileges from this act, inclusive of liabilities as acceptor or acceptors of bona fide bills of exchange, payable out of this state, shall at no time exceed one half, exclusive of liabilities as acceptor or acceptors, one fifth, and exclusive of liabilities on such bills of exchange, one tenth part of the amount of the notes which such company is authorized to circulate, at the time of such liabilities.

Extent of liabilities.

SEC. 63. No banking company shall, at any time, pay out on loans or discounts, or in purchasing of drafts or bills of exchange, or in payment of depositors; nor shall it, in any other mode, put in circulation, the notes of any bank or banking company, either in or out of this state, which notes shall not, at that time, be receivable at par in payment of debts, and by the company so paying out or circulating such notes; nor shall it knowingly pay out or put in circulation, any notes issued by any bank or banking company which, at the time of such paying out or putting in circulation, is not redeeming its notes in gold and silver; nor any notes issued by any bank, out of this state, of a denomination less than five dollars.

Banks prohibited from circulating any notes not at par, or the notes of any banks out of the state, of less denomination than \$5.

SEC. 64. All notes, bills, and other evidences of debt, excepting bills of exchange, discounted by any banking company, shall be made by the terms thereof, or by special indorsement, payable solely to such company; and no such evidence of debt shall be assignable, except for collection, or for the following purposes:

No evidences of debt, excepting bills of exchange, assignable, but for collection, or for the following purposes:

First: To pay and redeem the circulating notes of such company.

Second: To pay other liabilities of the said company; and, after such liabilities shall have been discharged—

Third: To divide among the shareholders on their stock.

All transfers made after the commission of an act of insolvency, except in payment of its circulating notes, to be held null and void.

SEC. 65. All transfers of the notes, bonds, bills of exchange, and other evidences of debt owing to any banking company, or of deposits to its credit; all assignments or mortgages or other securities on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its stockholders or creditors; all payments of money to either, made after the commission of an act of insolvency or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be held utterly null and void.

If the directors, directly, or indirectly, knowingly violate any of the provisions of this act, such violation shall cause a forfeiture of their privileges.

SEC. 66. If the directors of any banking company which shall have availed itself of any of the privileges granted by this act, shall knowingly violate, or knowingly permit any of the officers, agents or servants of such company to violate any of the provisions of this act, all the rights, privileges and franchises of said company, derived from this act, shall thereby be forfeited; such violation shall, however, be determined and adjudged by a court of competent jurisdiction, agreeably to the laws of this state and the practice of such court, before the corporation shall be declared dissolved; and in case of such violation every director who participated in, or assented to the same, shall be held liable in his personal and individual capacity for all damages which the company, its shareholders, or any other persons, body politic or corporate, shall have sustained in consequence of such violation.

Officers of banks, for certain specified offences, shall be deemed guilty of a misdemeanor, &c.

SEC. 67. Every president, director, cashier, teller, clerk or agent of any banking company, who shall embezzle, abstract, or willfully misapply any of the moneys, funds, or credits of such company, or shall, without authority from the directors, issue or put in circulation, any of the notes of such company, or shall, without such authority, issue or put forth any certificate of deposit, draw any order or bill of exchange, make any acceptance, assign any note, bond, draft, bill of exchange, mortgage, judgment or decree, or shall make any false entry on any book, report or statement of the company with an intent in either case to injure or defraud such company, or to injure or defraud any other company, body corporate or politic, or any individual person, or to deceive any officer or agent appointed to inspect the affairs of any banking company in the state, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be confined in the penitentiary at hard labor, not less than five nor more than ten years.

Other banks, upon certain conditions, may be authorized to recommence banking.

SEC. 68. The stockholders of the bank of Geauga—of the Western Reserve Bank—of the Columbiana Bank of New Lisbon—of the Lafayette Bank of Cincinnati, and of the Ohio Life Insurance and Trust Company shall, in each case, be considered as having associated and formed a company for the purpose of banking under the provisions of this act, with such

amount of capital stock, by such name and at such place, within the county where such banking company is now located, as shall be determined on by a majority of the directors or trustees; and after making, acknowledging and filing with the county recorder a certificate setting forth the name, amount of capital, and the place of banking of such company, and transmitting to the board of commissioners a copy thereof, as prescribed in the seventh section, and after said commissioners shall have examined the condition of such company, and found that as to the amount of its capital, its gold and silver coin, or their equivalent, on hand, the requirements of this act have been complied with, such company shall be authorized to recommence, and, during the time limited by this act, carry on the business of banking, subject to the limitations, restrictions and liabilities herein prescribed; and on depositing with the treasurer of state, (subject, in case such company shall elect to become a branch of the State Bank of Ohio, to the order of the board of control,) certificates of funded debt, or money, to an amount equal to the amount required of the new companies formed and organized under the provisions of this act, as compared with the amount of their circulating notes, such company may immediately proceed to issue its notes of circulation to any amount within the limits in such cases prescribed by this act. But when the board of control or the treasurer of state, as the case may be, shall be prepared to furnish notes for circulation, the notes previously issued by such company shall not be reissued or in any way put in circulation by such company, but shall be transmitted to the treasurer of state, or the board of control, to be destroyed, as in the case of defaced or mutilated notes, and new notes received in lieu thereof; provided, however, that the capital set apart for banking purposes by the Ohio Life Insurance and Trust Company, and the capital of the Lafayette Bank of Cincinnati, may each extend to any sum not less than three hundred thousand dollars, nor exceeding one million dollars; but the circulating notes of neither of said companies shall at any time exceed six hundred and fifty thousand dollars. In determining the number, qualifications and liabilities of the directors or trustees of the two last named companies, they shall each be governed by their respective acts of incorporation; and the Ohio Life Insurance and Trust Company shall in all things, except as to its banking operations, be governed by its original charter.

SEC. 69. That the Bank of Wooster, at Wooster; the Bank of Massillon, at Massillon; the Bank of Norwalk, at Norwalk; the Bank of Circleville, at Circleville; the Clinton Bank of Columbus, at Columbus; the Bank of Xenia, at Xenia, and the Bank of Sandusky, at Sandusky, may, within one year from the passage of this act, and whenever two thirds of the directors, or the owners of a majority of the capital stock of any such bank, shall elect to do so, become an incorporated bank

The Bank of Wooster, &c. may become incorporated banks within one year, under the provisions, and during the time limited by this act, provided that they be governed

by the provisions of their original acts until the expiration of their respective charters.

under the provisions and during the time limited by this act, and, as such, be entitled to use and enjoy all the privileges, and be subject to all the liabilities and restrictions of the same; provided that the banks named in this section may, as far as the liabilities of their directors incurred previous to their acceptance of the provisions of this act, and as to their qualifications, be governed by the provisions of their several original acts of incorporation until the expiration of their respective charters; provided, also, that the acceptance of the provisions of this act, by the Ohio Life Insurance and Trust Company shall not be construed to take away, or abridge, the banking powers now enjoyed by said company, under its act of incorporation, after the franchises granted by this act shall have expired.

The banking institutions named in the 69th section, to be examined before they can enjoy the privileges granted by this act.

SEC. 70. That before any banking institution named in the next preceding section shall be entitled to the provisions granted by this act, the board of commissioners, or the board of control, as the case may be, shall appoint some suitable person to examine the assets, moneys, credits, effects and liabilities of such bank, and report the same to the commissioners, or board of control; and every such bank shall be considered as having a capital equal to the amount of its existing capital not exceeding the amount authorized by the act incorporating the same, deducting any amount of losses, bad debts, or debts not well secured, that may exist, greater in amount than the surplus property of said bank, undivided and on hand; provided that each of the banks named in the preceding section shall be allowed to fill up its capital stock by new subscriptions or otherwise, to the amount authorized by the law creating the same; and provided further, that the bank of Xenia, and the bank of Sandusky, shall be authorized to receive subscriptions to the capital stock of their respective institutions, to any amount not exceeding one hundred thousand dollars, in addition to the amount authorized by their respective acts of incorporation.

The amount of safety fund required by this act to be deposited by the institutions named in 69th section.

SEC. 71. That before any banking institution, named in the sixty ninth section of this act, shall be entitled to enjoy the privileges in this act granted, it shall deposit, with the proper board, the amount of safety fund required by this act; and every such banking institution shall, whenever seven or more institutions shall have been formed for that purpose, including those designated by name in this act, that may have accepted and complied with its provisions, become, and thereafter be considered, a branch of the State Bank of Ohio; and, as such, enjoy all the rights and privileges, and be subject to all the liabilities and restrictions provided for in the same; provided that any of the banks named in the sixty ninth section of this act, may, after examination and report, as provided in the next preceding section of this act, elect to become an independent bank, and upon compliance with the rules and regulations prescribed for the government of independent banks, as far as

may be applicable, such banking company shall be entitled to all the privileges, and be subject to all the restrictions of this act.

SEC. 72. That whenever any branch of the State Bank of Ohio shall desire to close the business of such branch, and withdraw the capital thereof, it may be lawful to do so with the consent and under the direction of the board of control, but not otherwise.

Any branch may close business, by consent of the board of control.

SEC. 73. The commissioners appointed by the fifth section of this act shall each be entitled to receive two dollars for each day actually employed, and the like sum for each fifty miles they shall travel in the performance of the duties enjoined on them by this act, which compensation shall be paid out of any moneys in the treasury not otherwise appropriated, on the order of the auditor of state, and the auditor shall assess an equal portion of the amount so paid, on each banking company that shall have availed itself of the privileges granted by this act; and each special agent appointed by said commissioners to examine and report the condition of any company, as provided in the tenth section, shall receive the same compensation as is allowed to a commissioner for his services, which shall be paid by the company whose condition he was appointed to examine.

Compensation of commissioners.

SEC. 74. Whenever, by the terms of this act, it shall be required to publish a notice in a newspaper of any particular county, and there is no newspaper at such time printed in such place, a notice printed in a newspaper of general circulation in such county for the time required, shall be considered as sufficient notice; and whenever, to comply with the provisions of this act, an oath is required, an affirmation shall, in all such cases, be considered a sufficient compliance with the same; and whenever the term funded debt is used in this act, as applicable to the debts of this state, it shall be construed to mean all debts of this state due upon certificates of debt on state bonds, and drawing not less than five per centum per annum interest.

Notice; oath; funded debt, &c.

SEC. 75. The act entitled "an act to regulate banking in Ohio," passed March seventh, one thousand eight hundred and forty two, and an act entitled "an act to amend the act entitled 'an act to regulate banking in Ohio,'" passed February twenty one, one thousand eight hundred and forty three, are hereby repealed; provided, that the bank of Sandusky, the Lafayette bank of Cincinnati, the bank of Xenia, the bank of Wooster, and the bank of Norwalk, shall be subject to all the provisions of their respective original charters, and all amendatory acts relating to the same, respectively, not heretofore, or by this act repealed, until they respectively conform to and accept the provisions of this act; provided, further, that nothing contained in this act shall be so construed as to permit any of the banks of this state to issue notes of a less denomination

Acts repealed, and provisions.

than five dollars, except such banks as shall accept of and comply with the provisions of this act.

JOHN M. ALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

February 24, 1845.

AN ACT

In addition to the act entitled "An act to provide for the appointment of Wreckmasters and define their duties," passed February 13, 1839.

Stranded property.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any person shall discover any shipwrecked property in the waters, lakes, bays, inlets, rivers, creeks, or harbors of this state, or on or near the shores of the same, he shall forthwith give information thereof to the commissioner of wrecks as required in the ninth section of the act to which this is an amendment, and the same proceedings shall be had therewith as is required by said section in case of stranded goods or other property; and should any person discovering said shipwrecked property conceal or convert the same to his own use, or fail to give information to the commissioner within four days as directed above, he shall be subject to be dealt with, and to the same penalties and damages prescribed in said section for similar delinquencies in case of stranded goods or other property.

Persons neglecting to give notice.

How punished.

Concealment of stolen goods.

How punished.

SEC. 2. If any person shall steal or embezzle any shipwrecked property or conceal the same, knowing it to have been stolen or embezzled, he shall be subject to the same suits, penalties, damages, liabilities and prosecutions provided in the tenth section of the aforesaid act in case of the stealing, embezzlement or concealing of stranded goods or other property.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845.

AN ACT

To appoint Commissioners to examine the books, accounts, and proceedings of the Board of Public Works, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be appointed, by joint resolution of the general assembly, a board of commissioners, three in number, whose duty it shall be to examine the books, accounts and vouchers of the board of public works and canal commissioners, filed in their office, and all the books, vouchers, entries and papers of the several commissioners, engineers, superintendents, officers, collectors, receivers and agents of the state, that now are or heretofore have been employed on the public works of the state; also, to examine and inquire into the manner of making contracts, both on the public works, and including the national road, and the manner of executing said contracts, and to make such examination as shall be necessary to ascertain whether any or all of such works have been conducted with due regard to economy and the public interest, and whether the several officers and agents of the state, which now are or heretofore have been employed on the public works, have faithfully and honestly discharged their duties as such officers and agents, and faithfully disbursed and accounted for all the moneys which have come into their hands; and, in general, to inquire and examine whether any officers, agents and servants of the state, or other person in the service of the state, in any capacity whatsoever, connected with the public works of the state, or in which the state is interested, has been guilty of any unfaithfulness, negligence or other misconduct, to the injury of the state, in reference to its public works, or works in which the state is interested, and to collect, by all proper and legal ways and means, necessary and useful information to guide the future action of the general assembly on the subjects aforesaid. Two of said commissioners shall be a quorum to do business, and, in the absence of the president, those present shall determine, by lot, which of the two shall act as president; and the governor shall have power to fill all vacancies in said board.

Three commis-
sioners to be ap-
pointed.

Their duties.

Quorum.

Gov. to fill va-
cancies.

SEC. 2. That said commissioners shall meet for this purpose, at the city of Columbus, on the first Monday in May; they shall each take an oath or affirmation faithfully and honestly to discharge the duties required of them by this act; they shall appoint one of their body president, and, having organized, proceed to the examination of the books and accounts of the board of public works; and they are hereby authorized to hold their sittings at Columbus, and at any other place or places, on either of the public works of the state or national road, where they shall deem it most convenient to enable them to perform the duties required in the first section of this act;

How to organ-
ize, &c.

—And where to
hold their sit-
tings.

and all proceedings and investigations of said board, and of each member thereof, shall be in accordance with some general or special rule, resolution or directions of a majority of said board.

Powers.

SEC. 3. That said commissioners shall have the same power to grant commissions to take depositions, and to compel the attendance of witnesses, within any county, that is possessed by the court of common pleas of such county; and they may require any sheriff or constable, of the county where they are in session, to serve any writ issued by them, to procure the attendance of witnesses, under the same penalties for neglect as they are under for neglecting or refusing to serve any similar process, which they are, by law, now required to serve; and all writs issued by said board shall be attested and signed by the president of the board.

Writs.

Oaths.

SEC. 4. That said commissioners are, each, hereby authorized to administer any and all oaths necessary in discharge of the duties required by this act.

Fees, &c.

SEC. 5. That said commissioners shall receive for their services the sum of three dollars per day, during the time they may be engaged, and two dollars and a half for every twenty five miles travel in going to and returning from such places of examination; and the commissioners shall be allowed, in addition to their per diem and mileage, fees of sheriffs, constables, commissioners appointed by said board to take testimony, and witnesses, and the cost of stationery used in the discharge of their duties, as such commissioners, and reasonable compensation, not exceeding two dollars per day, for a clerk, for such time as it may be necessary for them to have one, and postage on letters, sent and received, relating to their duties as such commissioners; but they shall be entitled to no per diem pay while engaged in traveling.

To report.

SEC. 6. That said commissioners report their doings in the premises to the next general assembly within ten days after the commencement of the session.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To amend the act entitled "An act to allow Juries before Justices of the Peace," passed February 14, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no motion shall be heard to set aside a verdict and for a new trial under the seventh section of the above recited act, unless such motion is made and notice thereof served on the opposite party, or the attorney or agent of the party, within three days after rendition of such verdict, which notice shall state the time of making such motion. And, also, the time when said motion will be heard, which last mentioned time shall be not less than one, nor more than three days after the service of said notice; and if said motion shall be sustained, the justice shall set the cause for trial, by forthwith making the necessary entry on his docket fixing the time of trial not less than three, nor more than twelve days from the hearing of said motion, and said case shall be proceeded in in all respects as upon the service and return of a summons; and when in case of appeal from the judgment of any justice of the peace under the before recited act, it shall appear that the plaintiff by his bill of particulars before such justice claims more than twenty dollars, and that the verdict of the jury was either in favor of the defendant or in favor of the plaintiff for a less sum than twenty dollars, said cause shall be entered in the court of common pleas, and shall be proceeded upon in all respects as other cases of appeal. But in case the plaintiff shall not recover a larger sum than twenty dollars, exclusive of interest since the rendition of the judgment before the justice, he shall be adjudged to pay all costs accruing in the court of common pleas, (including a fee of five dollars to defendant's attorney,) and in case the defendant shall by his bill of particulars demand as a setoff a greater amount than twenty dollars, he shall have the same right of appeal in case of an adverse verdict as the plaintiff, and in case he shall not recover a larger sum than twenty dollars, he shall in like manner pay all costs accruing in the court of common pleas, including a fee of the same amount to the plaintiff's attorney.

Motion to set aside shall not be heard, unless, &c.

When trial to be had if the motion is sustained.

Regulations as to the payment of costs in the court of common pleas in certain appealed cases.

SEC. 2. That the words civil action, as used in the first section of the act, to which this is an amendment, shall be taken to mean and apply as well to trials of the right of property levied upon by constables by virtue of execution issued by justices of the peace, as to actions at law.

How the words "civil action" apply.

SEC. 3. That so much of the act to which this is an amendment as conflicts with the provisions of this act is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

[To fix the minimum price of the sales of School Lands.

Minimum price.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any land granted by Congress for the use of schools, in this state, shall, by virtue of any act of the legislature that now is, or may hereafter be passed, be offered for sale, such land shall in no case be sold for a less sum than five dollars per acre, nor for a less amount than the appraised value thereof.

Acts repealed.

SEC. 2. That all laws and parts of laws relating to the sale of school lands so far as the same conflicts with this act, be and they are hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 4, 1845.

AN ACT

To regulate the State Library.

Commissioners.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the state library shall be under the control and management of a board of commissioners, consisting of the Governor, Secretary of State and State Librarian.

Powers.

SEC. 2. That the commissioners of the library shall have power to adopt any rules and regulations proper or necessary for the preservation, regulation, and increase of the library, not inconsistent with the law, which the librarian shall in all things observe, and to superintend and direct all expenditures of appropriations made for the library.

Relative to sale of reports, &c.

SEC. 3. That the said board of commissioners shall have the control of the sale of the reports of the supreme court, and all extra copies of statistics and other documents not otherwise appropriated, or otherwise advisable to be preserved and kept in the library; and for the purpose of making such sale, the commissioners may appoint a suitable person upon such terms as they shall deem best, from whom they shall take a bond with satisfactory surety, conditioned for the faithful performance of of his duty and paying over the proceeds of the sales by him made; and the commissioners shall apply the proceeds of all such sales to the increase and preservation of the library.

Exchanges.

SEC. 4. The commissioners shall direct the librarian to exchange statutes, journals, and legislative documents, and other books, with other legislative bodies, states and libraries, as they shall deem proper.

SEC. 5. The commissioners shall make an annual report to the general assembly of all receipts and expenditures, of the condition of the library, and all other matters they deem expedient for the information of the general assembly. To report annually.

SEC. 6. All persons shall be permitted to visit the library and examine and read the books there without taking the same therefrom under such regulations as the board of commissioners shall prescribe; members and exmembers of the general assembly, judges of the supreme court and officers of the state, actually engaged in the service thereof, shall have free access to the use of the books of the library, and have the liberty of taking the same out under such regulations as the commissioners may determine as best comporting with public interest, and the object of the state library; but no public officer or other person having a right to take books out of the library shall have the authority to give any other person an order to take books out of the same, and if any person having such right shall give such order or otherwise obtain books out of the library to be used by any other person not having such right, such person thereupon shall forfeit all right to take books therefrom. Rules, &c.
Orders for books.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate

March 6, 1845.

AN ACT

To amend the act entitled "An act to amend the act entitled an act establishing a Superior Court in the city of Cincinnati," passed March 27, 1841.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the term of the superior court of Cincinnati, commencing on the second Monday of July, shall, hereafter, commence and be holden on the first Monday of June, in each year. Time changed.

SEC. 2. That so much of the act passed March, one thousand eight hundred and thirty eight, establishing a superior court in the city of Cincinnati, and the act amendatory thereto, passed March twenty seven, one thousand eight hundred and forty one, as conflicts with this act, be and the same is hereby repealed. Repealing parts of acts.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 8, 1845.

AN ACT

To amend an act entitled "An act to abolish the Board of Canal Commissioners and to revive the Board of Public Works," passed March 5, 1838, and the several acts supplemental and amendatory thereto, and for the better regulation of those having in charge the public works of this state.

Who shall compose the Board.	SEC. 1. <i>Be it enacted by the General Assembly of the State of Ohio,</i> That the board of public works shall, hereafter, consist of one president, two acting commissioners, to be known as the board of public works, and to be elected by the joint ballot of the two houses of the general assembly, designating the office and term of service of each member; one for one year, one for two years and one for three years, whose places shall be filled as their terms of service may respectively expire, annually, by joint ballot of the legislature, and in cases of vacancy by death, resignation or otherwise, the appointment to be made shall be for the unexpired term of the office, so that one member shall be annually selected or reappointed, and said board shall hold their offices respectively until their successors are elected and qualified. The commencement of their term of office shall be on the first of April next, at which time they shall meet at the city of Columbus, and at said time and place the present board shall deliver over to the newly constituted board, all books, maps, charts, surveys, estimates, contracts and papers and all other property of whatsoever description pertaining to their office, or in which the state has an interest.
How elected.	
Terms of service.	
Vacancies.	
First meeting.	
Late Board—their duty.	
Office—where kept.	SEC. 2. That said board shall keep an office at the city of Columbus, under the immediate charge of the president of said board; the president shall preside at all meetings of the board and take charge of the records, books and papers connected with the department of the public works; take charge of all correspondence with said board, and shall do and perform such other duties as said board may determine, or as shall be prescribed by the act of the legislature. And the said board immediately after the organization thereof shall divide the public works of the state as equally as may be practicable into two districts; the districts shall be denominated the eastern district and western district, and the acting commissioners shall each take charge of such one of said districts as may be assigned to him by said board, and be responsible for the due and faithful administration of the affairs of the district under his particular charge.
President—his duties.	
Districts;	
— Who shall take charge of them.	
Oath of office.	SEC. 3. The members of said board shall each take an oath or affirmation to support the constitution of the United States, and of the state of Ohio, and honestly and impartially to discharge the duties of the office, and shall also give bond with good and sufficient security to be approved of by the Governor, in the penal sum of not less than thirty thousand dollars, conditioned for the faithful and honest discharge of the duties of his office, and for the faithful paying over of all money which
Bond.	

may come into his hands according to law, which bonds with the approval of the governor, indorsed thereon, shall be filed with the treasurer of state.

Sec. 4. The acting members of said board shall each, in the district under his charge, cause all works, improvements and materials for the same which are susceptible of measurement, or the character and value of which can be readily understood, to be let to the lowest bidder, who will give the required security after giving due notice by publication of the time and place of letting, except when in his opinion the public interest will suffer by delay; and every superintendent, on any of the public works of this state who is required to render an account of services or expenditures made by, or under him, shall verify such account by oath or affirmation before the same shall be allowed or passed to his credit.

Contracts to be let to the lowest bidder;

—Except, &c.

Verification of accounts.

Sec. 5. That whenever, in the opinion of said board, it will be for the public interest, to let by contract the keeping in repair of all, or any portion of the public works, except the national road said board may divide any portion of the same into suitable and convenient sections; and, thereupon, said board shall give due notice of the time and place of letting for said repairs, with the plans and specifications of said repairs, and the manner of doing the same, and said board shall let the same by sections to the lowest responsible bidder for any term of years, not exceeding five, upon condition that the bidder or bidders shall make, execute, and deliver to said board, a bond, with security, to be approved by said board, in any sum not less than double the amount of the contract price, payable to the state of Ohio, conditioned for the faithful performance of said contract, and upon such other terms and conditions as said board may determine, provided that said board shall in no case let by contract the keeping in repair of the public works, or any portion thereof, by sections as aforesaid, unless the same can be done at a price less than the average price of keeping the same in repair for the last six years. Provided, further, that in making appointments of officers or agents, the letting of contracts to individuals or companies, fixing the salaries of agents, engineers, clerks or other servants of the board, not otherwise provided by law, or in making extra allowances on any contract to an amount exceeding fifty dollars, the order shall be made by yeas and nays, and entered of record in the books of the board.

Repairs;

—Except, &c.,

—To be let to the lowest bidder.

Proviso.

Salaries, and other expenditures not fixed by law;

—How paid.

Sec. 6. That payments of every kind and description, made by either of the said acting commissioners, shall be by check, drawn to the order of the payee, on the treasurer of state, and not otherwise. And whenever payment is intended to be made for any work performed, or materials for the same found, in constructing or making repairs, whether the same be by contract, or by any superintendent or agent of said board, the check of the commissioners shall be accompanied with a certificate of the superintending engineer, which certificate shall

Payments—how made.

name the person or persons to whom there is an indebtedness, with a statement of the particular work, whether by contract or otherwise, and the value thereof; the check and certificate shall be registered in books, one to be kept by the engineer, and one to be kept by the commissioner, and the fact of the check being registered by the engineer, shall, in all cases be indorsed on the back of the check and signed by him, officially; checks on account of land, purchased by the state for hydraulic or other purposes, or on account of awards for damages, shall first be approved and indorsed by the president of the board before they shall be received and paid by the state treasurer; nor shall any greater sum be placed in the state treasury subject to the unrestricted check of either of said acting commissioners, in any one year than shall be necessary to pay the salaries of engineers and assistants, and other ordinary incidental expenses; nor shall the amount at any one time, so placed to the credit of either of said acting commissioners, exceed five thousand dollars, which sum shall be fully accounted for by said commissioner to the board before a new requisition shall be made.

Treasurer of State;
—how governed.
Fund subject to unrestricted check.
Lands, &c.
For other purposes.

SEC. 7. That no money shall be paid by the treasurer of state on any check drawn by either of said acting commissioners, unless said check shall be presented, having all the necessary indorsements and accompanying certificate, as is prescribed in this act, nor without the special requisition made in form by said board, and in specific sums for each particular item of expenditure, which shall be placed to the credit of each of said acting commissioners, respectively, as follows, to wit:

First—A specific sum for the payment of engineers, superintendents and others, in the employ of said board and other incidental expenses, subject to the unrestricted check of the commissioners;

Second—A specific sum for land purchased, or to be purchased, and for awards of damages; and,

Third—For all other purposes, in distinct specific sums, to meet each particular case separately; and, further, it shall be the duty of said board to devise such a system of strict accountability for the acting commissioners, and all others in the employ of said board, to be applied by said commissioners, under the direction of said board, to all agents, collectors, and others receiving and disbursing the public moneys, as shall best secure the faithful disbursement of the funds intrusted to their care.

Persons employed by board.
Relative to their terms of service.
Board to report to Governor.

SEC. 8. That the board of public works now in being, and the board as reorganized under the provisions of this act, shall, in no case, appoint any agent, collector, inspector, or other person in the employ of the board of public works, for any time longer than one year, subject, however, to a reappointment at the expiration of that term; and it shall be the duty of said board to report all that is required to be reported in the fifty fourth and fifty fifth sections of an act to abolish

the board of canal commissioners and to revive the board of public works, passed March fifth, one thousand eight hundred and thirty nine, annually to the governor of Ohio, at least ten days next before the first Monday of December, instead of reporting the same to the legislature, as is provided in said act; and it shall be the duty of the governor to transmit said report to the general assembly with the annual message of the executive.

Who shall transmit to the General Assembly.

SEC. 9. That the acting commissioners shall each receive for his services an annual salary of one thousand dollars, to be paid quarterly out of any moneys in the treasury not otherwise appropriated, upon the order of the president of said board; and the president shall receive a per diem allowance of two dollars and fifty cents while engaged in the duties of his office.

Salaries of board.

Per diem of president.

SEC. 10. The terms of service of the now existing board of public works, together with all engineers, collectors of tolls, locktenders, or other agents of every description, shall cease and determine on the first day of April next, provided, however, that all such engineers, collectors of tolls, locktenders, and other agents, shall, nevertheless, hold their appointments until their successors shall be appointed.

Present board—when to cease.

Subordinates.

SEC. 11. The tenth section of an act entitled “an act making appropriations for the year one thousand eight hundred and forty two,” passed March seventh, one thousand eight hundred and forty two, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same is hereby repealed.

Repealing.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To amend and explain the act of the 7th of March, 1842, concerning the powers and duties of Justices of the Peace and Constables in criminal cases.

Whereas, doubts have arisen as to the meaning of the proviso of the first section of the act of the General Assembly, passed March seventh, one thousand eight hundred and forty two, entitled “an act to amend the act entitled an act defining the powers and duties of justices of the peace and constables in criminal cases, passed March twenty seventh, one thousand eight hundred and thirty seven, and the act amendatory thereto;” therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the passage of this act the proviso in the first section of the act in the preamble above recited

When costs shall not be paid out of treasury.

shall be deemed and taken by all persons concerned to mean that no costs shall be paid out of the county treasury which may accrue in any prosecution before any justice of the peace, in this state, for any offence not punishable capitally, or by confinement in the penitentiary, when the justice shall have dismissed said prosecution without recognizing the defendant to the court of common pleas.

Further provisions.

SEC. 2. No costs shall be paid out of the county treasury in any case where the justice of the peace has, or shall have, power by law to impose a fine, or where the defendant shall plead guilty in case of assault and battery, and no county auditor, or other person performing his duties, shall issue any order on the county treasury in such cases.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

Authorizing the Court of Common Pleas, in the county of Franklin, to hold special sessions of said Court, and for other purposes.

Three special terms allowed in Franklin county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas of the county of Franklin, is hereby authorized and empowered annually hereafter to hold three special terms, for criminal and probate business, at such time, and on such days as the said court may think proper to appoint at the regular session of said court, in each year, respectively, and the clerk and sheriff shall draw and summons travers juries, and all criminal cases pending in said court, shall come up for trial, at such special or general terms of said court, or be otherwise disposed of as said court shall direct, and all cases undisposed of, may be continued to the next regular or special term of said court, as said court may direct.

Continuances.

Fall term—time changed.

SEC. 2. That the fall term of the court of common pleas for Franklin county, for the year one thousand eight hundred and forty five, shall commence on the fourth day of November one thousand eight hundred and forty five, instead of the second day of September as provided for in the "act to fix the times of holding the courts of common pleas," passed January twenty sixth, one thousand eight hundred and forty five.

Clark county.

SEC. 3. That the court of common pleas for the county of Clark, for the year one thousand eight hundred and forty five, shall be held on the twenty second day of April, the twelfth

day of August, and the fifteenth day of October, any thing in any act to the contrary, notwithstanding.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

In addition to the act entitled "An act for the maintenance and support of illegitimate children," passed February 2, 1824.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any person shall have been committed to jail by authority of the third section of the act entitled "an act for the maintenance and support of illegitimate children," passed February second, one thousand eight hundred and twenty four, it shall be lawful for any associate judge of the court of common pleas of the proper county, in the court house, in such county, to discharge such person from custody, upon his entering in recognizance with sufficient securities in the amount, and with the conditions specified in the third section of the act above mentioned.

Person committed to jail may be discharged by entering into recognizance.

SEC. 2. When any person shall have been committed to jail in any county in this state, by virtue of the third section of the act mentioned in the preceding section of this act, the sheriff of such county shall be entitled to receive from the township chargeable, or to be chargeable, with the support of such illegitimate child, on account of which such person shall have been committed, such sum per week for keeping and providing for such person while in jail as is provided in case of other prisoners; provided that in one week next after such person shall have been committed, the sheriff shall give notice to one or more of the trustees of such township that such person is committed to jail, and the cause wherefor, and afterwards, upon the written order of the said trustees or a majority of them, the sheriff shall take of such person his own recognizance to appear and answer the charge wherefor he was committed, at the next term of the court of common pleas in such county, and not depart the said court without leave, and shall thereupon discharge such person from custody.

Maintenance of prisoners while in jail.

At expiration of one week the sheriff to give notice;

—and take recognizance.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To amend the act relating to Wills, passed March twenty third, one thousand eight hundred and forty.

To authorize the survivor or survivors of executors and administrators to do certain acts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where a last will and testament is admitted to probate, or a will made out of this state is admitted to record, as provided by the act to which this is an amendment, and any lands, tenements, or hereditaments are given or devised by any such will, to the executors therein named, or any of them to be sold or conveyed, or such estate shall be thereby ordered to be sold by such executors, or any of them, as provided in the fifty ninth section of said act to which this is an amendment, and one or more, or all of such executors shall resign or be removed either before such sale or after the sale and before conveyance, the sale or conveyance or both shall be made by the survivor or survivors of such executor or executors, or the administrator with the will annexed, in the same manner as is provided for in the said fifty ninth section of the act to which this is an amendment, in cases where one or more (or all) of such executors shall die, refuse to act, or fail to take upon themselves the execution of the will; and the provisions of said fifty ninth section of the act to which this is an amendment, and of this act, shall be extended to all cases where the executors in the will named, or any of them shall be authorized or empowered by such will to sell or convey any lands tenements or hereditaments.

Estates to be settled as though this act had not passed.

SEC. 2. The estates of deceased persons, in the progress of settlement under the laws in force at the time of the death of the testator, or under the said law, to which this is an amendment, shall be settled in the same manner as if this act had been in force.

Parts of certain acts repealed.

SEC. 3. That all laws and parts of laws, inconsistent with this act, be and the same are hereby repealed. This act to take effect from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To regulate Judicial Proceedings, where Banks and Bankers are parties.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all actions against any bank or banker for the nonpayment of any note, bill, check, draft, certificate of deposit, or other written evidence of debt, the plaintiff may declare for money had and received, and file with his declaration, a pertinent description of the written evidence of the debt for which suit was brought, and on the trial give the same in evidence, and recover judgment for the amount due thereon, with lawful interest from the time the same became due and payable.

Evidence against banks, &c., may be filed with declaration.

SEC. 2. In actions by incorporated banks, on notes, bonds, or bills transferred to such banks by indorsement, the banks may sue the makers, or drawers, and indorsers jointly, and declare against them for money loaned and advanced, and file with the declaration a copy, or pertinent description of the note, bond, or bill upon which suit is brought, with the indorsements thereon, and upon trial give such bond, note, or bill with the indorsement or indorsements thereon in evidence, and have judgment and execution against all the defendants upon whom process shall have been served, jointly, for the amount due thereon, and in all such cases the defendants may plead and defend jointly, or severally, provided that if the summons or capias shall be returned, in any such case as to some of the defendants, served, and as to one or more, not served, the plaintiff may have a separate action upon such bond, note or bill, against such defendants as have not been served with process, for the amount due thereon, and proceed in such action in the same manner as if no joint action had been brought, provided, also, if separate suits are brought in the first instance, the bank shall not recover costs.

Indorsed paper to be described and given in evidence.

Defendants may plead jointly or severally.

Plaintiff may have separate action.

SEC. 3. In all cases where proceedings have been commenced against any bank or banker, either at law or in chancery, to subject the rights, credits, moneys, and effects of such bank or banker to the payment of his debts, the president, directors, cashier, clerks, tellers, and other officers and agents of such bank or banker shall be competent witnesses for the party bringing the suit, notwithstanding any interest they may have in the event of the suit, and may be required at any time after the commencement of such proceedings, to testify by deposition, as in cases of nonresident, or going witnesses, provided that nothing in this act contained shall be construed to require any witness to give evidence tending to criminate himself.

Officers of bank may be competent witnesses in certain cases.

SEC. 4. In all contracts for the payment of money to banks or bankers, sureties in fact, known to the parties to be such at the time such contracts were made, may be proved to be, and shall be considered sureties in all courts, and have all the privi-

Sureties.

leges, and be subject to all the liabilities of sureties, any thing in the contract expressed to the contrary, notwithstanding.

Suits commenced under certain laws subject hereto.

SEC. 5. All suits heretofore commenced under the provisions of the act entitled "an act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit the issuing of bank bills of certain descriptions," passed January twenty eighth, one thousand eight hundred and twenty four, and the act entitled "an act to amend the act entitled an act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit the issuing of bank bills of certain descriptions, passed January twenty eighth, one thousand eight hundred and twenty four, and to declare the meaning and intention of the ninth section thereof," passed March fifth, one thousand eight hundred and forty two, whether judgment has been obtained or not, or decree rendered, shall in all respects be proceeded with in the same manner as though such suits had been originally commenced under the provisions of this act, and the above recited acts, passed January twenty eighth, 1824, and March fifth, 1842, be and the same are hereby repealed, provided that this act shall not affect any special act for the relief of any institution or company which has exercised or assumed any banking powers, or for the relief of the creditors thereof.

Part of certain acts repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

For the relief of Lessees or their assignees, of waterpower, in this State.

Officers to examine leases and fix rents.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works and the board of fund commissioners of this state, be and they are hereby authorized and required to make an examination of the leases of waterpower upon or connected with any of the public works of this state, made by any of the lawful agents of this state, in cases where the lessees of said waterpower, or any assignees thereof may require it, and to adjust and fix the rents paid or to be paid by said lessees or assignees, at such prices as they may deem just and equitable.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

Explanatory of the act entitled "An act to encourage the organization of Fire Companies,"
passed March 13th, 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That nothing contained in the act to which this is an amendment shall be so construed as to prohibit any member of any fire company, in this state, from enjoying the privileges enumerated in said act, in consequence of temporary absence from the place where such company may be located for a period of six months, provided it was the intention of such absentee to return and continue his duties as a member of such company, and, provided further, that the privileges of the act to which this is an amendment, as explained by this act, shall be extended to members of fire companies in existence at the time, or created since the passage of the act to which this is an amendment; provided that nothing in this act, or the act to which this is an amendment, shall be construed to exonerate any member of a fire or hook and ladder company from being liable to perform military duty, unless such person shall be an active duty member and provided with all the apparatus and equipage necessary thereto. Absentee.
Proviso.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

Further to amend the several acts providing for the distribution and investment of this
State's portion of the Surplus Revenue.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any county fund commissioner, or agent of any board of county fund commissioners in this state, shall fail to pay over, according to law, all moneys that may have come into his hands by virtue of either of said offices, and by him not legally invested, it shall be the duty of the prosecuting attorney, or, in case of such prosecuting attorney being interested, then by some attorney to be appointed by the court, on receiving instructions from the county commissioners of his county for that purpose, to cause suit to be instituted in the court of common pleas against such delinquent county fund commissioner or agent and his securities, for the use of the surplus revenue fund of the proper county; and it shall be lawful for such court, at the first term thereof, after the commence- Fund Commis-
sioner failing to
pay over money
may be prosecu-
ted.

ment of such suit, if the process issued against such county fund commissioner, or agent, and their securities, shall have been duly served and returned, to render judgment against them for the amount due from such county fund commissioner, or agent, with legal interest, and a penalty of ten per centum thereon, from which judgment there shall be no appeal; provided that, if the court shall be satisfied that justice can not otherwise be done, they may continue such cause, but in no case shall they grant more than one continuance.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To regulate Literary and other Societies.

Trustees and
 clerk to be elect-
 ed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the passage of this act it shall be lawful for any literary, scientific, Odd Fellow, or other benevolent association, within this state, to elect any number of their members, not less than three, to serve as trustees, and one member as clerk, who shall hold their offices during the pleasure of the society.

Proceedings to
 be recorded.

Recorder's fees.

A transcript of
 such record evi-
 dence.

Trustees to have
 perpetual succe-
 sion, &c.

SEC. 2. That the clerk so appointed shall make out a true record of the proceedings of the meeting, provided for in the first section of this act, certify and deliver the same to the recorder of the county in which such meeting shall be held, together with the name by which such association shall thereafter desire to be known; and it shall be the duty of each county recorder to record the same in a book of record to be provided for that purpose, (or in the one provided for the record of the association of religious societies,) and for his services he may demand and receive from the person presenting the same a compensation at the rate of ten cents for each hundred words; and from and after making such record by the county recorder, the said trustees and their associated members and successors shall be invested with the powers, privileges, and immunities incident to aggregate corporations; and a certified transcript of the record, so as aforesaid made by the recorder, shall be deemed and taken in all courts and places whatsoever, as conclusive evidence of the existence of such association and corporation.

SEC. 3. The trustees who may be appointed under the provisions of this act shall have perpetual succession, and shall possess all and singular the powers and privileges granted to,

and shall be subject to all the restrictions imposed upon societies incorporated under the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine, so far as the said act is not inconsistent with this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To amend the act entitled "An act directing the mode of proceeding in Chancery," passed March 14th, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the associate judges of the court of common pleas, in the county of Scioto, be and they are hereby authorized and required to fill vacancies that have or may occur in the office of master commissioner in chancery, during the vacation between the sessions of said court; provided that no such appointment shall extend beyond the last day of the next succeeding term.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To provide for an additional term of the Court of Common Pleas in the county of Allen, for the year 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in addition to the terms of the court of common pleas, for the year one thousand eight hundred and forty five, in the county of Allen, provided for by law, there shall be held in said county of Allen a term of the court of common pleas, to commence on the twenty eighth day of July, A. D., one thousand eight hundred and forty five.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

For the relief of the Borrowers of the Surplus Revenue of this State.

County fund commissioners may assign debts or claims upon certain conditions.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county fund commissioners of the surplus revenue of any county in this state, with the consent of the debtor and his sureties, given in writing, are authorized, on full payment being made to them by any person, in money or in state stock, bonds, or certificates, according to the provisions of the act entitled "an act for the payment of the domestic creditors of the state of Ohio," passed March thirteenth, one thousand eight hundred and forty three, to assign to such person, on such payment, any debt or claim which said commissioners may hold in the name of the state for said surplus revenue of their respective counties.

Provisions for the relief of debtors on account of said surplus revenue.

SEC. 2. That if any debtor, on account of said surplus revenue, shall, on or before the first day of October, one thousand eight hundred and forty five, pay to the county fund commissioners of his proper county, in this state, all interest and all installments which, by the existing laws of this state, may have become due on his debt, and which may still remain unpaid, said fund commissioners are authorized to receive the same; and, upon making such payment, such debtor, with the consent of his sureties, in writing, shall be entitled to the provisions of the laws now in force for the payment of the residue of his debt, whether the same be in or out of judgment, in the same manner he would have been entitled in case he had punctually paid all interest and all installments on said debt, as the same became due; provided said commissioners are satisfied that the delay of collection will not endanger the safety of such debt.

When payment to be made by fund commissioners and county treasurers.

SEC. 3. That whatever portion of said surplus revenue said fund commissioners are, by the existing laws, bound to pay over to their respective county treasurers, shall be paid over on the first day of January, April, July, and October of each year; and whatever portion of such surplus revenue said county treasurers are, by the existing laws, bound to pay over to the treasurer of state shall be paid over, or remitted, quarterly, on the days aforesaid, or as soon thereafter as convenient, for which service such county treasurers shall receive one half of one per centum on the amount so paid over.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 11, 1845.

AN ACT

To provide for the safe keeping of lunatic convicts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors of the Ohio penitentiary be and they are hereby authorized and required to cause to be erected, or provide a suitable department for the reception of lunatic or insane convicts in said prison, of such dimensions as may be necessary to accommodate the convicts that now are or hereafter may become insane in said prison, provided the same can be erected by convict labor, and not interfere with the labor heretofore appropriated to aid in the enlargement of the lunatic asylum.

Directors of prison may erect an additional department.

SEC. 2. That whenever a convict in the Ohio penitentiary shall become insane, the warden shall give notice to the physician for said prison, and the superintendent of the lunatic asylum; the physician and superintendent aforesaid, upon receiving such notice, shall forthwith examine such convict, and if, upon such examination, they shall be of opinion that said convict is insane, they shall certify the same to the warden of the prison, who shall, forthwith, put such lunatic or insane convict in the department prepared for that purpose.

When a convict becomes insane notice to be given to the physician of the prison and superintendent of the lunatic asylum, who shall examine such convict;

SEC. 3. That the physician for said prison, together with the superintendent of the lunatic asylum, shall give such medical and surgical aid to the lunatic convicts as the nature of their cases may require; and whenever any lunatic or insane convicts shall be adjudged to be restored to their proper minds, or so far restored that it may be considered safe to put them at labor, under their sentence, and certified by the physician and superintendent as aforesaid, the warden of the prison shall again put such restored convict at hard labor according to his sentence.

—and give such aid as may be required;

—and certify to his restoration, if restored.

SEC. 4. That whenever the directors may be of the opinion that the interest of the prison requires it, they may authorize the warden of the said prison to appoint a deputy, and, during the inability of the warden to perform his duty, either by sickness or necessary absence, such deputy shall perform all the duties pertaining to the office of warden which may be prescribed by said warden; and for his services such deputy shall be paid any sum, at the discretion of the directors, not exceeding forty dollars per month, provided that the principal warden shall be responsible for the acts of such deputy.

Deputy warden —his salary.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To change the line dividing the first and second Brigades, first division, Ohio Militia.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in the county of Hamilton, in the first division, the townships of Crosby, Whitewater, Miami, Storrs, Millcreek, Delhi, and Greene, shall form the first brigade; the townships of Anderson, Colerain, Springfield, Sycamore, Columbia, Symmes, and Fulton, in said county, shall form the second brigade.

SEC. 2. That so much of the act entitled an act, passed March eighth, one thousand eight hundred and thirty seven, to organize and discipline the militia, as is inconsistent with this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To amend the act entitled "An act to provide for the safe keeping of idiots, lunatics, or insane persons, the management of their affairs, and for other purposes," passed March 9, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the guardian of any idiot, lunatic, or insane person may, under the eighth section of the act entitled "an act to provide for the safe keeping of idiots, lunatics, or insane persons, the management of their affairs, and for other purposes," passed March ninth, one thousand eight hundred and thirty eight, apply to the proper court of common pleas for an order to sell any real property of his ward, in the manner prescribed by the said section, upon the ground that it is the interest of such ward to sell such real estate, and the court, upon being satisfied that it is the interest of such ward that such real estate should be sold, may order such guardian to sell such real estate, in the same manner as in other cases of the sale of such property.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To authorize the establishment of lines of true meridian in the several counties of the State of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of each and every county in the state of Ohio, except in the counties of Stark and Monroe, may, and they are hereby authorized, whenever they shall deem it expedient, to employ some suitable person of competent skill to establish, at or near the county seat of each county, respectively, lines not less than forty rods or perches in length, corresponding with the true meridian of the place, to be determined by observations of the transit of the polar star, or of its greatest elongation, to be rectified by observations of the sun's amplitude.

County Commissioners to appoint suitable persons to establish lines of true meridian.

SEC. 2. After such lines of true meridian shall have been established, it shall be the duty of the county commissioners to appoint some proper person to make observations from time to time, not less than once in each month, to ascertain the declination of the magnetic meridian from the true meridian; and when any alteration thereof shall be ascertained, such observer shall report the particulars thereof to the county auditor, who shall, thereupon, cause such particulars to be published at the cost of the county, in some newspaper of general circulation in the county.

A proper person to be appointed to make observations.

SEC. 3. The surveyor of each and every county, after such line of true meridian shall have been established in such county, shall correct and rectify the compasses and other instruments used by him in determining the courses and angles of surveys, and shall fix the indices of such instruments to correspond with the true meridian, and shall take notice of any deviation of the magnetic meridian from the true meridian, when discovered; and shall notice such variation on every survey bill or map made by him before such survey bill or map shall be recorded; and, after such lines of true meridian shall have been established in any county, no county surveyor shall be allowed to certify or testify to the accuracy of any survey thereafter made, unless the compasses, or other instruments used in determining the courses thereof, shall have been corrected and adjusted to the true meridian and subsequent observations, as is above provided with regard to the instruments to be used by the county surveyors.

Duty of county surveyors.

SEC. 4. The commissioners of the several counties where the lines of true meridian shall be established, may appoint some competent person to examine and correct, and adjust to such true meridian line, any compass or other instrument used to measure angles, which may be offered for that purpose, so that such instruments shall correspond with such true meridian; and the person so appointed shall be entitled to ask for

A competent person to be appointed to adjust instruments, &c.

and receive for any instrument so adjusted the sum of one dollar for the first correction, and fifty cents for each subsequent alteration, and shall, at the same time, at the request of the owner of such instrument by him adjusted as aforesaid, give to such owner a certificate, under his hand and seal, setting forth the date and particulars of such correction or subsequent alteration.

How persons appointed are to be paid.

SEC. 5. The commissioners of each and every county, except as aforesaid, are hereby authorized to pay out of the county treasury, to the person or persons employed to establish the line of true meridian, and to notice all subsequent declinations of the magnetic meridian, such compensation as such county commissioners shall deem reasonable.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To revive certain acts therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the parts of acts repealed by the act entitled "an act to amend an act regulating judgments and executions," passed March fourth, one thousand eight hundred and forty two, and further to amend the act entitled "an act defining the powers and duties of justices of the peace and constables, in civil cases," passed January nineteen, one thousand eight hundred and forty three, be and the same are hereby revived.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

Further to amend the act providing for the distribution and investment of this State's proportion of the Surplus Revenue, passed March 28, 1837.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That where the term of service of any county commissioner has expired, or may hereafter expire, who has acted as a county fund commissioner, he may resign his office of fund commissioner of such county, to the associate judges of the county, and from the time of his resignation, he shall be released and discharged from the performance of any duty as a fund commissioner.

County fund commissioner may resign—to whom.

SEC. 2. That it shall be the duty of the associate judges, receiving such resignation, to notify the successor of the county commissioner, whose time has expired, or shall expire, to enter into bond, and qualify himself to perform the duties of a county commissioner, agreeably to the provisions of the above recited act.

His successor—duties;

SEC. 3. That if the said county commissioner, so notified, shall neglect or refuse, for the space of ten day after said notice, to enter into bond and security, for the faithful performance of the duty of fund commissioner for such county, it shall be the duty of the associate judges to appoint some other suitable person, who shall enter into bond agreeably to the provisions of the aforesaid act.

Neglect of same—how provided for.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To prevent the bringing into the state of Ohio, paupers, having no settlement therein

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall transport, remove or bring, or cause to be transported, removed or brought, any poor or indigent person from any city, township or county, in this state, to any other city, township or county, in this state, without lawful authority, and there leave such poor or indigent person, with intent to make such city, township or county chargeable with the support of such pauper, each and every person so offending shall forfeit and pay the sum of fifty dollars, for each and every such offence, for the use of the poor of the city, or township, in which such pauper shall be left, to be recovered by action of debt in the name of the state of Ohio, before any court of competent jurisdiction.

Persons removing paupers from any county or city to other county or city liable to penalty.

How penalty recovered.

Bringing paupers
&c., into this
state, from
abroad;

—penalty there-
for.

Obligation—
bond.

Penalties—how
applied.

Overseers of the
poor, prosecut-
ing attorneys—
their duties.

Limitation.

Costs—how tax-
ed.

When to take
effect.

SEC. 2. If any person shall wilfully, and without lawful authority, bring or cause to be brought into this state, any poor or indigent person, or lunatic, without a protector, from any place without this state, and there leave or attempt to leave such person, with the intent to make the township, city or county in which such person shall be left or attempted to be left, chargeable with the support or maintenance of such person, each and every person so offending shall forfeit and pay fifty dollars, for every person so left, or attempted to be left, to be recovered in the name of the state of Ohio, in an action of debt before any court of competent jurisdiction, for the use of the poor of the city or township wherein such poor or indigent person or lunatic shall be left or attempted to be left, as aforesaid; and any person or persons guilty of either of the offences specified in this section, shall be obliged to convey such poor or indigent person, or lunatic person, out of this state, or shall give bond to the state of Ohio, with security to be approved of by the trustees of such township, or the treasurer of such city, for the maintenance of such poor or indigent person, or lunatic; provided, however, that in any county, wherein the poor are supported in a county poorhouse, the penalties which may be collected under this act, shall be appropriated for the benefit of such poorhouse.

SEC. 3. It shall be the duty of the trustees and overseers of the poor of the township, and of the prosecuting attorneys of each county, whereof any of the offences by this act provided against shall be committed, to cause such offence to be prosecuted as soon as possible after the commission of such offence; and all such offences shall be prosecuted by commencing proceedings within two years after the commission of the offence, and not after; and in all cases where prosecution shall fail, the costs shall be taxed against and paid by the township or county which would be entitled to the penalty if the prosecution had been successful.

SEC. 4. This act shall take effect from and after the first day of, June, A. D., one thousand eight hundred and forty five.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the "Act to provide for the more effectual punishment of certain offences."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever hereafter any person shall be convicted of any criminal offence, committed after the passage of this act, all or any part of the punishment of which by law is an imprisonment in the county jail, the court, in lieu of such imprisonment, may sentence such persons to hard labor in the jail of the proper county, any length of time, not exceeding six months, at the discretion of the court.

Courts may sentence to hard labor in certain cases;

SEC. 2. That labor thus to be performed shall be under the direction of the commissioners of the county, who may adopt such orders, rules and regulations in relation thereto, as they may deem best, and the sheriff or other officer, having the custody of such convicts, shall be governed thereby; and it shall be the duty of the sheriff of the county to collect and pay into the treasury of the county the amount of the avails of the labor of such convicts, and take the treasurer's receipt therefor, which receipt he shall forthwith deposit with the auditor of the county.

—under the direction of county commissioners.

The avails of which to be paid into treasury.

SEC. 3. That for the purpose of enabling the county commissioners of any county in this state to employ, in a profitable manner, all persons who may be convicted under the provisions of this act, the county jail, in such cases, is hereby declared to extend to any stone quarry or quarries, road or roads, or other place or places within the limits of the proper county, at which the convicts may be advantageously employed, without the walls of the prison, by the county commissioners, aforesaid.

Jail may extend to certain places.

SEC. 4. That the provisions of this act shall only extend to and be in force in the counties of Montgomery, Muskingum, Meigs, Scioto and Lake.

This act to apply to certain counties only.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To regulate the Judicial Courts and the practice thereof.

Court in Bank to be held twice in each year.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That after the year one thousand eight hundred and forty five, the court in bank shall be held at the court house, in the city of Columbus, twice in each year, at such times as the legislature shall appoint.

No appeal to be taken to supreme court, but new trial may be ordered.

SEC. 2. Hereafter there shall be no appeal of any action or proceedings at law, from any other court, to the supreme court; but the courts shall, in all cases, order new trials, where law and justice require it.

In cases pending in common pleas &c., either party may except to opinion of court for certⁿ in causes and remove case by writ of error.

SEC. 3. In all cases pending in the court of common pleas, or in the superior court of Cincinnati, either party shall have the right to except to the opinion of the court, on a motion to direct a nonsuit, to arrest the testimony from the jury, and also in all cases of motion for a new trial, by reason of any supposed misdirection of the court to the jury, or by reason that the verdict may be supposed to be against law or evidence, so that such case may be removed by writ of error; and when a party to a suit, in either of the aforesaid courts, alleges an exception to any opinion, order or judgment of such court, it shall be the duty of the judges of such court, concurring in such judgment, opinion or order, if required by such party, during the progress of the case, to sign and seal a bill containing such exception or exceptions, before the case proceeds; or, if the party consent, the signing and sealing of such bill of exceptions may be suspended until the trial is closed, but said bill of exceptions shall be signed and sealed during the term; and such bill of exceptions, when signed and sealed, shall, if the party desire it, be made a part of the record in such suit.

When judgment excepted to, judges to sign and seal a bill, during the term;

—which shall be made part of record.

In what cases opinion of court may be examined and judgment reversed, &c., by supreme court.

SEC. 4. In all cases pending in the court of common pleas, or in the superior court of Cincinnati, in which a demurrer is overruled and the case proceeds to the jury and verdict is rendered against the party that demurred, the opinion of said court on such demurrer, may be examined and the final judgment reversed or affirmed by the supreme court, on a writ of error.

Final judgments may be examined and reversed, or affirmed for error, upon writ of error;

SEC. 5. Final judgments in the court of common pleas, or in the superior court of Cincinnati may be examined and reversed or affirmed for alleged errors in fact, upon a writ of error, coram nobis, which shall be allowed, in all proper cases, by the president judge of the proper circuit, or by the judge of said superior court of Cincinnati.

—may be examined in supreme court, and how reversed.

SEC. 6. Final judgments in the courts mentioned in the preceding section may be examined and reversed or affirmed in the supreme court on writ of error, which shall be issued as a matter of course, by the clerk of the supreme court, of the proper county, upon precipe, filed by the party desiring such writ, and bond given as hereinafter required; to which writ of

error shall be annexed and returned therewith, at a day and place therein mentioned, the original files and pleadings, together with a transcript of all judgments of the court wherein the record remains, and the assignment of error, a prayer for reversal, with a citation to the adverse party, or his attorney, signed by the clerk of the supreme court, the adverse party, having at least ten days notice. The clerk issuing such writ of error shall in all cases take good and sufficient bond and security, to the adverse party, that the plaintiff in error shall prosecute his writ to effect and pay all costs in error, if he fail to make his plea good, and no writ of error shall operate as a supersedeas to any execution issued on any final judgment of the court of common pleas, or superior court of Cincinnati, unless bond and security shall be given as required in the hundred and fourth section of the act entitled "an act to regulate the practice of the judicial courts," passed March eighth, one thousand eight hundred and thirty one.

Clerk to take bond, &c.

SEC. 7. If it shall happen in the court of common pleas that there is not a sufficient number of disinterested judges to sit on the trial of any suit or action therein pending, it shall be the duty of such court, on the application of either party, to cause such fact to be entered on the minutes of the court, and order an authenticated copy thereof, together with all the original files in such suit or action to be forthwith certified to the court of common pleas of some adjoining county, which court shall take cognizance thereof in like manner as if it had been originally commenced in that court, and shall proceed to hear and determine the same accordingly.

If judges are interested how to proceed.

SEC. 8. In all cases in the court in bank the said court shall hear oral arguments in open court; provided that the attorney or solicitor of either party shall be at liberty, if he choose, to present to said court a written or printed argument.

Oral arguments may be made in open court.

SEC. 9. The second section of the act entitled "an act to organize the judicial courts," passed February seventh, one thousand eight hundred and thirty one, except so much thereof as gives the supreme court original and appellate jurisdiction in proceedings in chancery, the ninety sixth, one hundred and third and one hundred and eighth sections of the act entitled an act to regulate the practice of the judicial courts," passed March eighth, one thousand eight hundred and thirty one, together with all acts and parts of acts inconsistent herewith are repealed; provided, that all cases which may be pending in the supreme court, or which may have been appealed, before this act shall take effect, shall be prosecuted to final judgment and execution in the same manner as if this act had not been passed.

Parts of acts therein named repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

11—G. L.

AN ACT

To provide for the State Printing.

The state printing shall be let in four several contracts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the first Monday in July, A. D., one thousand eight hundred and forty five, the printing for the state of Ohio shall be let out in several contracts, in the manner hereinafter specified.

Bills, &c.

SEC. 2. That the printing of all bills for the two houses of the general assembly, together with such resolutions and other matters as the two houses, or either of them, may order to be printed in the same form as bills, shall be let in one contract; the printing of the journal of the senate and house of representatives, and of such reports, communications, and other documents as enter into and make a part of the journals, shall be let in another separate contract; the printing of all reports, communications, and other documents, that may be ordered to be printed in pamphlet form by the general assembly, or either branch thereof, except such as enter into and make a part of the journals, together with the volume of public documents, shall be let in another separate contract; and the printing of the general and local laws, and such joint resolutions as may be directed by the general assembly to be printed therewith, shall be let in another separate contract.

Journals, &c.

Documents, &c.

General and local laws.

Relative to printing bills;

SEC. 3. The bills shall be printed in folio foolscap form, on small pica type, each page to contain not less than twenty five lines of solid matter, of the usual length, with at least a pica blank in each space between the lines; and in counting the composition upon bills the same shall be measured and counted as solid matter, and every necessary fraction of a page shall be counted as a full page, but no entire blank page shall be counted or charged for.

—Journals;

SEC. 4. That the journals shall be printed in medium octavo form, on neat long primer type, and in as close and compact order as is consistent with good workmanship, without the intervention of unnecessary blanks or broken pages, each to contain, as near as may be, including head and foot lines, fifteen hundred ems.

—Documents;

SEC. 5. That the volume of public documents, and all reports, communications, and other documents, ordered to be printed in pamphlet form, shall be printed on the same kind of type, and the pages shall be of the same size as in the preceding section specified for the journals; said documents to be printed in pamphlet form, shall be printed in close, compact order, without titlepages, unnecessary blanks or open spaces. The volume of public documents shall contain nothing that shall have been inserted in the laws or journals of the same year, except the annual reports of the auditor and treasurer of state, and the various reports, communications, and

other documents, proper to be inserted therein, shall follow each other in as close compact order as may be consistent with good workmanship, without the intervention of unnecessary blanks, or separate title or half titlepages; and the paging thereof shall be consecutive, and, at the conclusion, there shall be an index, to be made out by the printer, referring to the particular page at which each separate document commences. In all cases where any document is printed in pamphlet form, by order of the general assembly or either branch thereof, by the contractor for the printing of the volume of public documents, which shall also be inserted in the volume of public documents, and in all cases where any such document is printed in pamphlet form by the contractor for the printing of the journals, which shall also be printed in the journals, but one charge shall be made for the composition thereof; but in such cases the printer shall be allowed, in addition to the contract price for composition, ten cents per one thousand ems, as a compensation for making up the matter in the proper form for the volume of public documents or the journals, as the case may be.

—to be compactly printed.

Composition to be charged but once.

SEC. 6. That the laws shall be printed in royal octavo form, on neat small pica type, the pages to be of the same form and size as those in the laws of the session of one thousand eight hundred and forty three and one thousand eight hundred and forty four, with similar marginal notes to the general laws.

Printing of laws;

SEC. 7. That in composition of all pamphlets, every necessary fraction of a page may be counted as a full page, but no entire blank page shall be charged for or counted; and in counting the composition upon the laws, journals, and volumes of public documents, the printed pages only in each volume shall be counted, including the blank page on the back of the titlepage at the commencement of each volume, and such other blanks as are unavoidable, consistently with good workmanship, throughout the volumes; and if in any branch of the printing, tabular statements shall occur, which it shall be impracticable to print on the ordinary sized pages, the same shall be printed on tabular sheets of the proper size, and the amount of composition on the same shall be ascertained by measuring the printed surface, and thereby ascertaining the number of ems; and for all rule and figure work double price for composition shall be allowed, the amount of such rule and figure work to be ascertained by strict measurement and count.

—Pamphlets.

Rule and figure work.

SEC. 8. In charging and counting the presswork, whether on bills, journals, laws, pamphlets, or the volumes of public documents, the token shall consist of one hundred and twenty five sheets, printed on both sides, or two hundred and fifty sheets, printed on one side only.

Presswork.

SEC. 9. That each contractor for any branch of the state printing shall be required to have all bills, pamphlets, documents, or volumes, by him printed, properly folded and stitch-

Folding, &c.

ed, except such volumes as are required to be bound, for which folding and stitching the auditor, treasurer, and secretary of state, or any two of them, shall make a fair allowance, on the annual settlement with each contractor for the public printing; and all such volumes as are required to be bound, shall be delivered over in the sheet, in good order for binding, by the printer to the secretary of state, or his order, who shall let out the binding thereof to the lowest bidder, on giving not less than twenty days notice in some newspaper in the city of Columbus of the time and place of such letting, said secretary of state taking bond, in such sum as he may think expedient, of the successful bidder for such binding, for the faithful performance thereof.

Binding to be let
to the lowest
bidder.

Secretary shall
give notice for
proposals for ex-
ecuting state
printing.

SEC. 10. The secretary of state shall, during the first week in April, A. D., one thousand eight hundred and forty five, give notice in two newspapers printed in the city of Columbus, that sealed proposals will be received at his office, until the first Monday of June next thereafter, for the executing of the several branches of the state printing, in separate contracts, as hereinbefore specified, for the term of three years from and after the first day of July, A. D., one thousand eight hundred and forty five, which proposals shall specify the price per one thousand ems for composition, and the price per token for presswork, at which the bidder is willing to take the contract bid for; and during the first week in June, the secretary shall, in the presence of the auditor of state and treasurer of state, open all such proposals by him received, and the said secretary, auditor, and treasurer of state, or any two of them, shall, on examination of such proposals, give the contract for each of the aforesaid branches of the public printing to the lowest bidder therefor, who will comply with all the conditions in this act contained; provided that if two or more bidders shall so propose for the same contract that the proposal of one shall be the lowest for composition, and that of another lower for the presswork, then said secretary, auditor, and treasurer of state, or any two of them, shall give said contract to the person whose proposal they shall adjudge the lowest in the aggregate, taking into consideration the probable amount of composition and of presswork in that branch of the printing; provided, also, that nothing herein contained shall be construed so as to prevent the same person from becoming contractor for two or more of the separate branches of the public printing, if he should be the lowest bidder therefor.

When proposals
to be opened.

The lowest bid-
der to receive
the contract.

Contingencies.

SEC. 11. Each successful bidder for any branch of the public printing shall, within twenty days after the contract shall be adjudged to him, and after he shall have been notified thereof, enter into bonds to the state of Ohio, in the sum of five thousand dollars, with at least two sureties, to be approved by the secretary, auditor, and treasurer of state, or any two of them, conditioned for the faithful execution, pursuant to this act, of

Bonds.

that branch of the printing to which he has been adjudged the successful bidder, and if he shall fail so to give bond within twenty days, then the contract shall be given to the next lowest bidder, who will give bond as aforesaid.

Failure to give bond.

SEC. 12. That each contractor for any branch of the public printing shall file and preserve one copy of each document, or other matter by him printed for the state, which file he shall deposit, together with his accounts for printing for the past year, with the secretary of state, on the first Monday in July, annually, in which account shall be specifically stated the various jobs performed, the number of ems composition in each, the extra charge, if any, for rule and figure work in each; the number of tokens of presswork in each, designating whether ordered by the senate, the house, or jointly by both, or by other officers or agents of the state, together with the quantity and kind of paper used for each job, concluding with a general statement of the aggregate number of ems composition, and the charge therefor; the aggregate number of ems rule and figure work and the charge therefor; the aggregate number of tokens of presswork, and the charge therefor; and the number of reams of paper of each separate kind used on the public work; and shall print one hundred and fifty copies of said account, and deliver them to the general assembly, for the use of the members, on the first day of each session.

Contractors to preserve file of matter printed by them—to be deposited in secretary's office, with their accounts. What such accounts shall state.

Accounts to be printed and laid before the general assembly.

SEC. 13. That on the filing of any account and vouchers, as aforesaid, with the secretary of state, the said secretary, auditor, and treasurer of state shall carefully examine such account, together with the printed vouchers deposited with the same, and the various orders for printing made by the general assembly, or either branch thereof, and if any errors shall be found in such account by said examining officers, they shall correct the same; and if they shall find any unnecessary blanks in any branch of the printing, or an increased number of pages, caused by unnecessary stretching out of matter, or other device of the printer, they shall deduct from the account the amount of composition and presswork charged for such unnecessary blanks, or increased number of pages, and charge the printer with the additional amount of paper consumed thereby, and deduct the same from his account. And if any error shall be committed in executing any branch of the printing aforesaid, by which the sense or meaning may be altered, said examining officers shall deduct from the printer's account the amount of compensation to which he would have been entitled for the composition and presswork of the whole sheet in which such error shall be found, and also the value of all paper consumed in the printing of the sheet containing such error.

State officers shall examine accounts, &c.

Errors and overcharges.

SEC. 14. That after any account, as aforesaid, shall have been examined by the secretary, auditor, and treasurer of state, or any two of them, as aforesaid, and all errors and

Auditing of such accounts.

Advance payments.

Duties of contractors.

Unnecessary delay.

State to furnish paper.

overcharges corrected, and proper deductions made therefor, pursuant to the last foregoing section, said account shall be certified to be correct by said examining officers, or any two of them; and when any account shall be so audited and certified, the auditor of state shall draw a bill upon the treasury for the amount thereof, payable out of any moneys appropriated for that purpose; provided that the auditor of state may, and is hereby authorized, at his discretion, to issue bills in advance, to any contractor for any branch of the state printing, to any amount not exceeding one third the probable amount of his account for the year.

SEC. 15. That the contractor for the printing of bills shall execute promptly all orders of the general assembly, or either branch thereof, for the printing of bills, and such resolutions or other matters as may be ordered in bill form. The contractor for the printing of the journals and the volume of public documents shall respectively execute promptly all orders of the general assembly, or either branch thereof, for the printing of any documents in pamphlet or tabular form, for the use of the general assembly, or either branch thereof, the printing of which shall be embraced in their contracts respectively. The contractors for the printing of the laws, journals and volumes of public documents, shall, respectively, print such number of copies of said laws, journals, and volumes of public documents as may be directed by law or joint resolution of the general assembly, and deliver the same over to the secretary of state within forty days after the rising of each general assembly, unless further time shall be allowed by the general assembly.

SEC. 16. If any contractor for any branch of the public printing shall unreasonably delay the printing of any matter which, by his contract, he shall be bound to perform, the secretary of state shall employ some other person to execute the same, and charge the printer who was bound by his contract to do the same with the excess which said printing may cost over the contract price, and deduct the same from his account on settlement.

SEC. 17. That the paper for the state printing aforesaid shall be provided by the state, and the secretary of state shall, from time to time, as the same may be needed, deliver over to each contractor suitable paper for the execution of the printing which he is by his contract required to do, and shall take and preserve a receipt from each contractor of all paper so delivered over; and, at the annual settlement with each contractor, such contractor shall deliver over to the secretary of state all paper belonging to the state which shall have come to his hands, and not been used in the state printing; and if any such paper shall have been wasted, or converted to any other use than the state printing, so that the same can not be redelivered to the secretary of state, as aforesaid, the contractor to whom the same shall have delivered, shall be charged with

the value thereof, and the same shall be deducted from his account for printing.

SEC. 18. That the secretary of state shall furnish a true and accurate copy of the laws, as they may be demanded by the printer thereof; and the clerks of the respective branches of the general assembly shall each furnish to the printer, who is bound by his contract to print the same, copies of the journals, bills, reports, and other papers and documents, without unnecessary delay, and no printer shall be accountable for any delay occasioned by the want of such copy.

Secretary of
State to furnish
copy of laws.

SEC. 19. That the "act to create permanently the office of state printer, and to define his duties," passed March fourteenth, one thousand eight hundred and thirty seven, and all other acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Act repealed.

SEC. 20. That this act shall take effect from and after the first Monday in July next, except such provisions thereof as require any acts to be done before that time by the secretary, auditor, and treasurer of state, in regard to advertising, receiving proposals, and making contracts for the state printing, for the year commencing on said first Monday of July next, which provisions of this act shall take effect from and after its passage.

When to take
effect.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To authorize Sheriffs to administer oaths in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any of the courts of chancery in this state shall appoint the sheriff of the proper county special commissioner in chancery, for the purpose of selling real estate, it shall be lawful for said sheriff to swear the appraisers of such real estate.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To declare the rights of Banks, incorporated by governments other than the State of Ohio, to sue in the courts of this State.

Whereas, doubts have arisen whether the act passed March eighteenth, one thousand eight hundred and thirty nine, entitled "an act further to amend the act entitled an act to prohibit the issuing and circulating of unauthorized bank paper," passed January twenty seventh, one thousand eight hundred and sixteen, does not prohibit banking institutions incorporated by any government other than this state, to sue in the courts of this state—to remove such doubts—

A certain act—
how to be construed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act first in the preamble of this act mentioned shall not be so construed in any court of this state, or elsewhere, as to prohibit any person or company of persons, incorporated by any government other than the government of this state, and doing business lawfully as a bank, at the place of the location of such bank, without any intention to infringe the laws of this state, from having power and right to institute, maintain and prosecute any action at law or suit in equity in any court in this state, in his or their corporate name, nor from enjoying and enforcing all judgments and decrees heretofore rendered, or which hereafter may be rendered in the courts of this state in like manner, and under like regulations, as nonresidents are, or may be permitted to sue in courts of this state, and enjoy and enforce the judgments and decrees thereof.

Foreign banks
held as nonresidents.

Their property
—how regarded.

SEC. 2. The rights, credits, moneys and effects of such incorporations, which may be in this state, shall be subject to attachment and equity proceedings as the rights, credits, moneys and effects of nonresidents are or may be so subject.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

• DAVID CHAMBERS,

Speaker of the Senate

March 12, 1845.

AN ACT

To amend the act entitled "An act for the preservation and repair of the National Road, and for the collection of tolls thereon," passed March 13, 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the National Road be and the same is hereby divided into two divisions, to be known and designated by the eastern and western division of said road; the eastern division shall commence at the Ohio river, and terminate with the eighty seventh mile west of said river; and the western division to commence at the termination of the eastern division, and embrace the remainder of said road, which has or may hereafter be accepted of the United States by this state.

Eastern division.

Western division.

SEC. 2. The board of public works shall appoint one resident engineer for each division of said road, who shall hold his office for the term of three years, from and after such appointment, and, before entering upon the discharge of the duties of his office, shall take and subscribe an oath or affirmation to support the constitution of the United States and of this state, and faithfully and honestly discharge the duties of his office, a certified copy of which shall be filed in the office of the board of public works; and they shall each give bond, made payable to the state of Ohio, in the penal sum of not less than twenty thousand dollars, with two or more good and sufficient securities, to be approved by the governor, and conditioned for the faithful and honest discharge of the duties of his office, and that he will faithfully and honestly pay over all moneys which shall be by him received from time to time as such resident engineer, according to law, which bond shall be deposited with the treasurer of state, and each resident engineer shall be entitled to receive for his services the sum of seven hundred dollars per annum and no more.

Resident engineer.

Oath.

Bond.

Compensation.

SEC. 3. The resident engineer on each division of said road, shall, on or before the twentieth day of November, in each year, make out a detailed statement of all his transactions as such engineer, for the year ending on the fifteenth day of the same month, in which he shall state specifically the amount of all moneys by him received, the date and amount of each receipt, and the name of the person paying the same, and a statement of all money by him paid out, the date and amount of each payment, and the name of the person to whom the same was paid, and on what account the same was paid in each case; also a statement of all unpaid orders given for money due on account of said road, with the date and amount of each order, the name of the person in whose favor the same was drawn, and the person upon whom drawn, and on what account; one copy of said statement shall be immediately transmitted to the board of public works and one to the auditor of state, which shall be by them filed and carefully preserved in

Report of Engineer.

Specifications.

their respective offices, which statement shall be copied into and make a part of the annual report of the board of public works.

Rates of toll.

SEC. 4. There shall be charged and collected on said road the following rates of toll, for every ten miles travel thereon, and in the same proportion for a greater or less distance, to wit: For every cart or wagon, with tire not more than three inches in width, and drawn by one horse or other animal, ten cents; the same, drawn by two horses or other animals, twenty five cents; the same, drawn by three horses or other animals, forty cents; the same, drawn by four horses or other animals, sixty cents; the same, drawn by five horses or other animals, eighty cents; the same, drawn by six horses or other animals, one dollar; for every horse in addition, ten cents; for every cart or wagon, with tire more than three and less than five inches in width, drawn by one horse or other animal, ten cents; the same, drawn by two horses or other animals, twenty cents; the same, drawn by three horses or other animals, thirty five cents; the same, drawn by four horses or other animals, fifty cents; the same, drawn by five horses or other animals, sixty five cents; the same, drawn by six horses or other animals, eighty five cents; for every horse in addition, ten cents; for every cart or wagon, with tire five inches or more in width, and drawn by one horse or other animal, ten cents; the same, drawn by two horses or other animals, fifteen cents; the same, drawn by three horses or other animals, twenty five cents; the same, drawn by four horses or other animals, forty cents; the same, drawn by five horses or other animals, fifty five cents; the same, drawn by six horses or other animals, seventy cents; for every horse in addition, ten cents; for every gig, sulkey, buggy, or dearborn, drawn by one horse or other animal, ten cents; for every horse in addition, five cents; for every gig, sulky, buggy, carriage or dearborn, having two seats, and drawn by two horses or other animals, twenty five cents; for every horse in addition, ten cents; for every coach, with two or three seats, and drawn by two horses or other animals, thirty five cents; for every coach with three seats, and drawn by four horses or other animals, sixty cents; for every coach having four seats, and drawn by four horses or other animals, seventy five cents; for every horse in addition, ten cents; for every sleigh or sled, drawn by one horse or other animal, five cents; for every horse in addition, five cents; for every horse, mule or ass, with rider, five cents; for every horse, mule or ass, led or driven, three cents; for every score of cattle, twenty cents; for every score of hogs, ten cents; for every score of sheep, five cents; provided, however, that nothing in this act contained shall be so construed as to prohibit the compounding with persons living within ten miles of any gate, for the payment of a quarterly sum in full for toll, or from commuting with the proprie-

Quarterly tolls

tor or proprietors of any vehicle or vehicles used for the transportation of the United States mail on the National Road, as provided for in the act to which this is an amendment; provided, further, that all wagons of burden drawn by more than two horses, and carrying not more than one thousand pounds' loading, shall be entitled to a reduction of twenty five per centum on the above rates; and, provided also, that the board of public works may hereafter alter the rates of toll so as to charge and collect tolls in proportion to the amount of freight carried by wagons drawn by four or more horses or other animals.

Deduction on heavy wagons.

SEC. 5. The collectors of tolls on each division of said road shall, on the first Monday of every month, or so soon thereafter as the same shall be demanded by the resident engineer on said division, or by any person by him duly authorized to receive the same, pay over all moneys in his hands belonging to the state, and take duplicate receipts for the same, one of which he shall transmit to the auditor of state, and one he shall retain, and each and every gatekeeper shall be entitled to receive for his services not exceeding two hundred dollars per annum.

Collectors of tolls—at what time to pay over

Receipts.

Compensation.

SEC. 6. The resident engineer on each division of said road may, by and with the consent and advice of the board of public works, let out in contract any portion of said road, not exceeding ten miles, to any one person for any time not exceeding five years from and after such letting, for the purpose of keeping the same in repair, subject to the inspection and control of said resident engineer; said contracts to be let at public sale in that portion of said road proposed to be let, after at least thirty days notice having been given, to the lowest bidder, who shall give bond with two or more good and sufficient securities, to be approved by said resident engineer, made payable to the state of Ohio, and conditioned for the faithful and honest performance of said contracts, and that he will deliver up the same in good repair, to be determined by the resident engineer at the expiration of his said contract; provided that no portion of said road shall be sold for such term, unless the same can be kept in repair for a sum not exceeding the revenues accruing upon that portion of said road so proposed to be let; and provided, further, the same can be done without injury or prejudice to existing creditors of said road.

Repairs may be let out at contract.

Thirty days notice of the letting—bond.

SEC. 7. The resident engineer on each division of said road shall, quarterly, on the fifteenth day of February, May, August, and November, or within six days thereafter, make out a true and accurate statement of all his receipts and expenditures, as such resident engineer, one copy of which he shall transmit to the auditor of state, and one copy he shall retain; and all quarterly returns and receipts, so transmitted as herein provided, shall be by the auditor reported to the general assembly. And if any gatekeeper or resident engineer employed on said road shall fail to comply with any of the

Engineer's quarterly statements;—when made; to whom transmitted.

Failure of gatekeeper or engineer to comply;

—how punished. provision of this act, or the act to which this is an amendment, he shall thereby forfeit his office or appointment and be incapable of holding any appointment on said road from and after such failure.

Toll gate No. 1;
—where located.
All other gates. SEC. 8. The resident engineer on the eastern division of said road is hereby required to locate and establish toll gate number one, at any convenient place not more than four nor less than two miles from the Ohio river, and not more than one gate, in the aggregate, for every ten miles of said road thereafter.

Portions of the road yet unaccepted of;
—how disposed of. SEC. 9. That portion of the National Road which has not been accepted from the United States, by this state, is hereby placed under the care and supervision of the resident engineer of the western division of said road, for the purpose of preserving the bridges, culverts, and other structures thereon, from destruction or damage; and for that purpose, the laws now in force for the preservation of the National Road are hereby extended to the said unaccepted portion of such road; provided that nothing herein contained shall be construed to authorize the expenditure of money to repair said portion of said road, or as an acceptance of the same from the United States.

Act repealed. SEC. 10. All acts or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed; and this act shall not be so construed as to require the board of public works to order the removal of any gate on said road before the first day of June next.

Removal of gates.

Persons exempt from toll. SEC. 11. That all regular clergymen, attending their official duties, and all other persons known to the gatekeeper to be going to or returning from their regular places of worship, shall not be charged with toll.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To amend the act entitled "An act for the protection of Railroads," passed March 20, 1840.

Persons injuring railroads; SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That every person who shall wilfully and maliciously throw down, break, remove, displace, cut, split, burn, or in any other manner destroy or injure any of the rails, sills, cross ties, piles, bridges, culverts, viaducts, parapets, or any other fixture, to the value of thirty five dollars or upwards, or

shall wilfully and maliciously injure or destroy any embankment of any railroad within this state, now constructed or in process of construction, or any railroad which shall hereafter be constructed or in the process of construction, to the value of thirty five dollars or upwards, shall, on conviction thereof, be punished by imprisonment in the penitentiary not exceeding three years nor less than one year. —how punished.

SEC. 2. Every person who shall wilfully and maliciously cut, break, burn, injure, or destroy, any locomotive, car, or other machinery now, or which may hereafter be, in use upon any railroad within this state, or any wood house, car house, or water station, erected for the accommodation and use of any railroad within this state, to the value of thirty five dollars or upwards, on conviction thereof, be punished by imprisonment in the penitentiary, not exceeding three years nor less than one year. Other property; —how punished.

SEC. 3. That every person who shall wilfully or maliciously commit any of the acts or offences enumerated in the two preceding sections of this act, but the injury or damage therefrom shall be of a less value than thirty five dollars, every person so offending shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars nor less than five dollars, or be imprisoned in the county jail and fed on bread and water not exceeding thirty days, or both, at the discretion of the court. Injury to a less amount than \$35; —how punished.

SEC. 4. That every person who shall wilfully and maliciously counsel, advise, and assist or abet any other person in the commission of any of the offences named in either of the preceding sections of this act, shall be deemed and taken to be guilty of a misdemeanor, and, upon conviction thereof, shall be punished in the same manner as the principal offender would, upon conviction, have been; provided that nothing in this act shall be so construed as to prevent such railroad company from sustaining a civil suit for damages, which they may sustain by either the aforesaid offences. Aiding, &c.; —how punished. Civil suits for damages.

SEC. 5. That the third section of the act to which this is an amendment be and the same is hereby repealed. Section repealed

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To amend an act entitled "An act relating to informations in the nature of quo warranto, and regulating the mode of proceeding thereon," passed March 17, 1838, and to repeal certain laws therein specified, and for other purposes.

Corporations forfeiting their corporate rights shall be dissolved

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever it shall be found and adjudged that any corporation against which an information in the nature of quo warranto has been filed has done or omitted any act or acts which amount to a surrender or forfeiture of its corporate rights, privileges and franchises, or has forfeited the same by nonuser during a term of five years, judgment shall be rendered that such corporation be ousted and altogether excluded from such corporate rights, privileges and franchises, and that said corporation be dissolved; and when such corporation shall be found guilty of offending in any matter or manner which does not amount to a surrender or forfeiture of its incorporated rights, privileges and franchises against any of the provisions of the act or acts creating, altering, amending or renewing the same, or shall be found guilty of misusing any franchise or privilege conferred, or of exercising any franchise not conferred by law, judgment shall be entered that such corporation be ousted from the continuance of such offence, or the exercise of such power as the case may require.

Corporations misusing privileges, &c.—how dealt with.

Trustees shall be appointed to take charge of ousted corporations.

Who shall give bond.

Their powers.

Rights of individuals.

Non-negotiable evidences of debt;—how proceeded with.

SEC. 2. Upon the dissolution of any such corporation, under such proceedings, the court, pronouncing the judgment of dissolution, shall appoint a trustee or trustees of the creditors and stockholders of the corporation dissolved, who, after entering into bond to the state of Ohio, in such sum, with such securities as the court shall designate and approve, conditioned for the faithful discharge of the trust and payment over, and proper application of all money that may come into their hands, who shall have full power to settle the affairs of the corporation, collect and pay outstanding debts, and divide among the stockholders the moneys and other property that shall remain after the payment of debts and other necessary expenses, provided that nothing herein contained shall impair any rights acquired or remedies to which any person may be entitled by virtue of any laws or parts of laws hereby repealed, or to which any person by reason of any agreement now existing would thereby hereafter be entitled were such law not repealed.

SEC. 3. The bona fide assignee or assignees of any non-negotiable bond, bill, note or other evidence of debt, made payable to any corporation which has been or may be dissolved, may bring suit and prosecute the same to judgment or decree, and have execution thereon in the name of such dissolved corporation, for the use of such assignee or assignees, in the same manner as if such corporation had not been dissolved; and in all such cases the assignee or assignees, for whose use such suit is

brought, shall be liable for costs and required to give security therefor as if he or they were the legal plaintiff or plaintiffs.

Costs.

SEC. 4. The sixteenth and eighteenth sections of an act entitled "an act relating to informations in the nature of quo warranto, and regulating the mode of proceeding therein" passed March seventeen, one thousand eight hundred and thirty eight, and all except the fourteenth and last section of the act entitled "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts and to provide for the regulation of corporations generally," passed March seven, one thousand eight hundred and forty two, and the third section of the act entitled "an act to regulate incorporated literary societies," passed March seven, one thousand eight hundred and thirty nine, be and the same are hereby repealed, and every turnpike and railroad company, which by the terms of its charter is made liable to the last above mentioned act is hereby released, from the provisions of so much of said act is hereby repealed.

Certain acts and parts of acts repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

In relation to State and County Roads.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That any county road, or part thereof, which has heretofore, or may hereafter be authorized, which shall remain unopened for public use for the space of seven years, at any one time, after the order made or authority granted for opening the same, shall be and the same is hereby vacated, and the authority granted for erecting the same barred by lapse of time; and any state road, or part of any state road, which has heretofore, or may hereafter be authorized, which shall remain unopened for public use, for the space of ten years after the passage of the act authorizing the same, shall be vacated, and the authority for opening repealed for nonuser.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the act to divide the State into Congressional Districts.

Sixth district
how altered.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of electing members of congress, all those portions of the territory included in the county of Wyandott, taken from the counties of Marion and Hardin, and all that part of the county of Crawford, taken from the county of Richland, are hereby attached to, and shall hereafter form part of the sixth district.

Preble and
Darke counties.

The counties of Preble and Darke shall be taken from the second district, and said counties are hereby attached to, and shall hereafter form part of the third district.

Warren and
Clinton.

The counties of Warren and Clinton shall be taken from the third district, and said counties are hereby attached to, and shall hereafter form part of the second district.

Madison.

The county of Madison shall be taken from the fourth district, and said county is hereby attached to, and shall hereafter form part of the ninth district.

Hocking.

The county of Hocking shall be taken from the eighth district, and said county is hereby attached to, and shall hereafter form part of the twelfth district.

Scioto.

The county of Scioto shall be taken from the twelfth district, and said county hereby is attached to, and shall hereafter form part of the eighth district.

Delaware.

The county of Delaware shall be taken from the eleventh district, and said county is hereby attached to, and shall hereafter form part of the tenth district.

Knox.

The county of Knox shall be taken from the tenth district, and said county hereby is attached to, and shall hereafter form part of the eleventh district.

Repealing.

SEC. 2. So much of the act "to divide the state into congressional districts," as is inconsistent with the provisions of this act, shall be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To appoint Commissioners to examine the books, accounts, and proceedings of the Board of the Canal Fund Commissioners, and of the transfer office of Ohio stock, in New York.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be appointed, by joint resolution of the general assembly, a board of commissioners, three in number, whose duty it shall be to examine the books, accounts and vouchers of the canal fund commissioners, also to examine and inquire into the manner of making loans, and creating the funded debt of this state, and to make such examination as shall be necessary to ascertain whether any, or all of the loans have been made, and stocks of this state issued, with due regard to economy and the public interest, and whether the several officers have faithfully disbursed and accounted for all the moneys which have come into their hands.

Board.

Their duty.

SEC. 2. That said commissioners shall meet for this purpose, at the city of Columbus, on the first Monday of May, and having organized, proceed to the examination of the books and accounts of the board of canal fund commissioners, and they are hereby authorized to hold their sittings at Columbus, and at any other place or places, where they shall deem it most convenient to enable them to perform the duties required in the first section of this act.

When and where to meet, and how proceed.

SEC. 3. That said commissioners shall have the same power to compel the attendance of witnesses that any of the courts of this state possess, and they may require any sheriff or constable to serve any writ issued by them for this purpose, under the same penalties for neglect, as they are under for neglecting or refusing to serve any process, which they are by law, now, required to serve; and all writs issued by said board shall be attested and signed by the president of the board.

Powers.

SEC. 4. That said commissioners shall proceed to the city of New York, and make a full and thorough examination of the books, records, accounts and papers of the transfer office of Ohio stocks, so as to ascertain whether the business and proceedings of that office have been faithfully, properly, and honestly conducted, and whether all the present outstanding certificates of Ohio stock can be traced through a regular chain of transfers, to the original obligation, issued by the board of canal fund commissioners, and whether the names of the original purchasers of Ohio stocks are a matter of record, and the transfers therefrom regularly recorded, and whether it can be certainly ascertained that there has not been issued at the said transfer office certificates of Ohio stocks not based on an original obligation of the fund board and authorized by law.

Further duties.

Transfer office.

SEC. 5. That said commissioners are each hereby authorized to administer any and all oaths necessary in discharge of the duties required by this act.

Oaths.

Per diem allowance, &c.

SEC. 6. That said commissioners shall receive for their services the sum of three dollars per day, during the time they may be engaged in such investigation, exclusive of the time occupied in traveling, and two dollars for every twenty five miles travel, in going to and returning from such places of examination.

Shall report and at what time.

SEC. 7. That said commissioners shall report their doings in the premises to the next general assembly, within ten days after the commencement of the session.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the sixth section of an act for the support and better regulation of Common Schools, and to create permanently the office of Superintendent, passed March 7th, 1838.

Failure to elect directors;

—how provided for.

Special election.

Further contingencies.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if it shall happen in any school district in this state that the directors thereof shall fail to give notice of the annual election, or the householders shall fail to meet on the day fixed by law for the annual election of directors, it shall be lawful for the directors within ten days next after the time provided by law for such annual election to give notice for a special meeting of the householders in the same manner that they are required by law to give notice of the annual meeting. at which special meeting the householders may proceed to elect directors and transact any and all other business which they were authorized to transact at an annual meeting under the provisions of the act to which this is an amendment, and such special meeting shall be conducted in the manner pointed out in said act; and on failure of such notice being given, or such special meeting being held, or, if held, and a board be elected who, or any of whom, shall refuse to serve, then the township superintendent shall forthwith proceed to discharge the duties required of him in such respect by the twenty third section of the act referred to in the title hereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN AOT

To amend an act entitled "An act to fix the times of holding the Court of Common Pleas," passed January 30, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the second terms of the court of common pleas in the counties of Geauga and Lake, in the fourteenth judicial circuit, shall be held, in the year one thousand eight hundred and forty five, as follows: In the county of Geauga on the tenth day of June, and in the county of Lake on the seven-
Counties of
Gauga and
Lake.
 teen day of June.

SEC. 2. The court of common pleas, in the county of Ot-
Ottawa county.
 tawa, shall be held therein on the fifteenth day of May, and the twenty second day of October.

SEC. 3. That so much of the act to which this is an amend-
Act repealed.
 ment as conflicts with this act, be and the same is hereby re-
 pealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN AOT

To amend an act entitled "An act fixing the times of holding the Supreme Court," passed January 22, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the supreme court shall be held, in the year one thousand eight hundred and forty five, in the county of Franklin, on Wednesday the thirty first day of December.

SEC. 2. So much of the act entitled "an act fixing the times of holding the supreme court," passed January twenty two, one thousand eight hundred and forty five, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the act entitled "An act to authorize the establishment of Poorhouses," passed March 8, 1831.

Auditor may accept an order from poorhouse directors.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the auditor of a county, in which a poorhouse is situated, to receive any order or orders, given by the directors of said institution to any person or persons, for labor, provisions, medical attendance, or supplies of any kind furnished for said institution, and to give an order on the county treasurer, who shall receive the same and pay out of any money in hands, appropriated for that purpose.

Treasurer may pay the same.

Law repealed.

SEC. 2. That the act passed March twentieth, one thousand eight hundred and forty one, entitled an act to amend "an act entitled 'an act to provide for the relief the poor,' passed March fourteenth, one thousand eight hundred and thirty one," is hereby repealed and all act or parts of acts by said last mentioned act repealed are hereby revived and re-enacted.

Other laws revived.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the act entitled "An act for the preservation and repair of the National Road, and for the collection of tolls thereon," passed March 13, 1843, and the act amendatory thereto, passed March 8, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works be and they are hereby authorized to fix, change and modify the tolls upon all stagecoaches, horses drawing the same, and for passengers conveyed therein, upon the national road in Ohio, as they may deem proper; provided that no part of the tolls imposed be inconsistent with the true intent and meaning of the compact between the United States and this state in regard to said road.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the act entitled "An act to provide for the regulation of Turnpike Companies," passed January 7, 1817.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That every turnpike company incorporated under the provisions of the act entitled "an act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, shall likewise be subject to the provisions and restrictions, and enjoy the privileges and immunities, granted by this act, except so far as may be otherwise provided in the particular act incorporating any such company.

Extending, with certain exceptions the provisions of this act to turnpikes formerly incorporated.

SEC. 2. That the commissioners named in the act incorporating any turnpike company, shall meet at such time and place as they shall think proper, and proceed to organize such company, and open books for the subscription of stock, agreeably to the second section of the act to provide for the regulation of turnpike companies, to which this is an amendment; and as soon as one hundred shares shall have been subscribed to any such company, the commissioners shall call a meeting of the stockholders in the manner prescribed in the third section of the act to which this is an amendment.

Commissioners—how to proceed. Meeting of stockholders.

SEC. 3. That the board of directors of turnpike companies, created under the provisions of this act, shall consist of not more than nine, nor less than five members, to be determined by the stockholders at any regular meeting for the election of such board.

Board of directors—their number.

SEC. 4. That the capital stock of companies, incorporated under the provisions of this act, shall be divided into shares of not less than twenty, nor more than fifty dollars each, and be paid in installments as required by the second section of the act to which this is an amendment, unless the person or persons, making such subscriptions of stock, shall, by an agreement in writing, change the time and manner of paying the same.

Capital stock; shares; installments.

SEC. 5. That whenever five continuous miles of any such road are graveled or macadamized, and otherwise completed, according to the provisions of the act to which this is an amendment, the company constructing the same may erect a gate or gates thereon, and receive from persons traveling on or using said road, the following tolls for every ten miles travel on such road, and in the same proportion for any less distance to wit:

Tollgates—rates of toll.

For every four wheeled carriage, other than pleasure carriages, drawn by two horses oxen or other animals, twenty cents; and each additional animal, five cents;

For every sled or sleigh, drawn by two horses, oxen or other animals, ten cents; and for each additional animal, five cents;

For every horse and rider, five cents;
 For every horse, mule or ass, six month old or upwards, led
 or driven, three cents;

For every head of neat cattle, six months old or upwards,
 one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two
 horses or other animals, twenty five cents; for each additional
 animal, five cents;

For every two wheeled pleasure carriage, drawn by one
 horse, or animal, ten cents;

For every four wheeled pleasure carriage, or buggy, drawn
 by one horse or other animal, fifteen cents;

For every stagecoach, drawn by four horses or other ani-
 mals, fifty cents;

For every cart, drawn by one horse or mule, or by two
 oxen, ten cents; for every horse or ox in addition, five cents.

Parts of certain
 acts repealed.

SEC. 6. That so much of the eleventh section of the act
 to which this is an amendment, as provides that persons con-
 veying the public mails of the United States shall pass free
 from tolls, is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

February 25, 1845.

AN ACT

Attaching the county of Defiance to the Sixteenth Judicial Circuit, and to fix the times of
 holding the Court of Common Pleas therein.

SEC. 1. *Be it enacted by the General Assembly of the State
 of Ohio,* That the county of Defiance is hereby attached to
 the sixteenth judicial circuit of this state; that the court of
 common pleas shall be held in the said county of Defiance on
 the twenty ninth day of May and on the fifteenth day of Oc-
 tober.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To amend the act pointing out the mode of levying taxes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any person or persons shall commence business as a merchant, in any county after the first day of March, in any year, and the amount of his or their capital shall not have been entered on the list for taxation for such year, such person or persons shall, before he or they shall commence such business, report, under oath, to the auditor of such county, the amount of capital to be employed by such person or persons in such business, and the time, if less than one year, during which he or they propose to be so engaged, and shall pay to the county treasurer, on the certificate of such auditor, the full amount of all taxes, whether for state, county, township, city, borough, town corporate, school, or other purposes, to which such capital, if listed by merchants permanently residing and doing business as such in the same place, would be subject in proportion to the time during which such person or persons so applying to said auditor shall be so engaged in merchandising.

Merchants commencing business after March first, to report under oath to the auditor the amount of their capital;

—which shall be taxed in proportion to the time it is so employed

SEC. 2. That if any person shall commence merchandizing, as aforesaid, and shall not report to the county auditor the amount of his capital, and make payment to the county treasurer, as required in the preceding section, he shall forfeit and pay the sum of five per centum on the capital so by him employed, to be ascertained as near as may be by the testimony of witnesses, and recovered by an action of debt, in the name of the county treasurer, for the use of the county, before any justice of the peace or court having jurisdiction thereof.

Merchant failing to report; penalty therefor.

SEC. 3. That the fifth and sixth sections of the act entitled "an act pointing out the mode of levying taxes," passed March fourteenth, A. D., one thousand eighteen hundred and thirty one, be and the same is hereby repealed.

Sections repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To tax Money Brokers.

Money brokers
to be taxed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That every person who shall buy and sell money, or exchange one kind of money for another, for the purpose of gain or profit, shall be considered, held and adjudged to be a money broker, within the meaning of this act, and shall be charged with and pay on his business the tax hereinafter prescribed.

Brokers shall ap-
ply to a clerk of
common pleas
for license;

SEC. 2. Every person that may be engaged in business as a money broker, previously to the first Monday in May, in any year, with the intention of continuing in such business after that day, shall, annually, on that day, apply to the clerk of the court of common pleas of the county, in which it is intended to carry on such business, for a license for that purpose, which license the clerk is hereby required to issue after the applicant shall have executed and delivered to the treasurer of the county the bond hereinafter required; and every person designing to engage in business as a money broker, after the first Monday in May, in any year, shall, before commencing such business, obtain a license therefor, as in case of persons engaged in such business before said day.

— and shall enter
into bond, and
six months there-
after make a
statement under
oath.

SEC. 3. Before any person shall be entitled to receive a license, as herein before provided, such person shall, together with at least two good and sufficient securities, to be approved by the county auditor and county treasurer, enter into bond in the penal sum of five thousand dollars, made payable to the state of Ohio, and conditioned that said person shall, at the end of each succeeding six months, after the date of such bond, make out and attest on oath and deliver to the county auditor, an accurate statement of the amount of money bought and sold or exchanged during the six months next preceding the time of making such statement, and shall pay over to the treasurer of such county the full amount of the tax charged on such business agreeably to the provisions of this act, which bond shall be deposited with said county treasurer, and in case of a failure to comply with the condition of such bond, the same shall be collected by the prosecuting attorney, and paid into the county treasury, to be applied in the same manner as the tax levied by this act.

Forfeiture of
bond.

Levy.

SEC. 4. Each person engaged in business as a money broker, shall, at the time of making the statement mentioned in the preceding section, pay over to the county treasurer one eighth of one per centum on the amount of money bought and sold, or exchanged, agreeably to such statement; and the money so paid to the county treasurer shall be accounted for and paid over as money collected on the tax duplicates.

SEC. 5. Every person who shall buy any kind or description of money, with or for money of any other kind, or differing in any manner from the money bought, or sell money of any kind or description, for money of any other kind, or differing in any manner from the money sold, or exchange money of any kind or description, for money differing in any manner therefrom, for the purpose of making or obtaining profit thereby, in any county of this state, after the first Monday in May next, without having first obtained a license from the clerk of the court of common pleas of such county therefor, shall, for every such purchase, sale, or exchange, forfeit and pay the sum of one hundred dollars, to be recovered in an action of debt, in the name of the State of Ohio, before any court of competent jurisdiction; one half for the use of the person instituting suit therefor, and the other half for the use of the general revenue of the state. But the provisions of this section shall not be construed to extend to any person who shall not make the buying and selling or exchanging of money a part at least of his customary or usual business.

Broking without license.

Penalty.

The provisions of this sec. not to apply to certain persons.

SEC. 6. Wherever the word "person" is used in this act, as applicable to money brokers, it shall be construed to extend to, and include, any company, firm, or association of persons who may be engaged in the business of buying and selling, or exchanging money, in the same manner as if the words, "company," "firm" and "association" were in each case repeated in connection with the word "person." The word "money," wherever used, shall be construed to mean and include "bank notes" as well as gold and silver coin.

Construction of certain words.

SEC. 7. The provisions of any law, or laws now in force, which require the listing of the capital of money brokers for taxation, shall be and the same are hereby repealed, and all assessments for the year 1845, made prior to the passage of this act, shall be void, and the person or persons so listed and assessed shall conform to, and comply with the provisions of this act.

Acts repealed.

Previous assessments.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To provide for laying out and establishing Free Turnpike Roads.

**Commissioners
—how governed** **SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That whenever commissioners shall be appointed by any act of the general assembly, and authorized to lay out and establish any free turnpike road, they shall be governed in all things by the provisions contained in this act, unless otherwise provided by law.

Superintendents. **SEC. 2.** That the commissioners named in any such act shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business and exercise any power devolving upon, or intrusted to them by this act; and they shall keep a record of their proceedings, which shall, at all times, be open for inspection by any person interested or desiring to inspect the same.

Quorum of commissioners.

Records.

Subscriptions. **SEC. 3.** The commissioners shall have power to receive subscriptions and donations, in money or property, real or personal, which shall be applied to the constructing of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair; they may open and finish said road, in the first instance, along such portions of the line thereof as will soonest render the whole line thereof available for travel or transportation; and they shall have power to purchase and procure all necessary implements and fixtures to preserve said road in repair.

Parts of road to be first finished.

Powers.

**How to organize
—duties.** **SEC. 4.** That said commissioners shall meet within three months after their appointment, and organize by choosing one of their number president of said board; they shall then take measures to view, locate, and establish said road; and of all such locations, they shall file a copy with the auditors of the several counties through which said road may pass; provided that said commissioners, before entering upon their duties, shall severally give bond in such sum, and with such security, as the county commissioners of any county through which any such road may pass, and to whom such bond may be presented for approval, shall think proper, and shall, moreover, each take an oath faithfully and honestly to discharge the duties required of him by law.

Bond of commissioners.

Oath.

Road taxes—labor. **SEC. 5.** The taxes levied on all property, real or personal, for road purposes, within two miles of said road, on each side thereof, except such as may be by law applied specifically to any other road, or roads, shall be applied to the construction and repair thereof, and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agents ap-

pointed for that purpose, at the rate of seventy five cents per day.

SEC. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury shall be computed by the county auditors, and paid over, upon the certificate of the officers of said board, certifying that labor to the amount thereof has been performed on said road, under the direction of said commissioners, or their agents; and all taxes so computed by the county auditors shall be expended on said road by said commissioners in the county where collected.

Road taxes—money.

SEC. 7. It shall be the duty of the county auditors of the respective counties, through which said road may pass, in computing the amount that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land, not exceeding eighty acres, of which at least one half shall be within said limits, and of every tract of land, containing more than eighty acres, no more than the quantity lying within said limits; and for all duties performed by him under this act, he shall be allowed the same fees as are allowed by law for similar services in other cases, to be audited by the county commissioners, and paid out of the fund collected by the provisions of this act.

What lands shall be included.

Auditor's fees.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple; and they may take releases of the right of way.

Donations.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style named in the act appointing the same for the purpose of carrying into effect the provisions of this act, and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon; and the form of such prosecutions shall be in the action of debt, and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all cases the said commissioners shall have a right to sue, either before a justice of the peace, or in a court of common pleas of the proper county, which suit shall be appealable as in other cases; and the amount so collected in each case shall be for the benefit of said road, and shall be paid over to said commissioners.

Commissioners shall be a corporation.

Prosecutions—damages.

SEC. 10. The said commissioners shall, annually, in the month of February, make a full statement of their receipts and expenditures under this act, and deposit a copy thereof in the auditor's office of the several counties through which said road may pass.

Commissioners shall make annual statements.

SEC. 11. The supervisor of any road district through which said road may pass shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road; and the same shall be applied

Supervisors—certain powers.

under the direction of said commissioners or their agent or agents.

Per diem of commissioners.

SEC. 12. The commissioners of said road shall be allowed their reasonable expenses, not exceeding seventy five cents per day, for every day necessary to be employed on the business of said road, and no more; and when any vacancy shall happen in said board by death, resignation, or otherwise, the commissioners of the county in which such vacancy may occur, on being notified thereof, shall fill the same as often as the same may occur.

Vacancies.

Expenses—how paid.

SEC. 13. The expenses of surveying and location, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation and repair of the same, and the sum paid to any person for services as superintendent or surveyor on said road shall not exceed one dollar per day for every day he shall actually be engaged on the business of said road.

Claims for damages—how settled.

SEC. 14. All claims for damages arising out of the location of said road shall be settled in the manner prescribed by the act for the opening and regulating roads and highways.

Limitation of time.

SEC. 15. That the provisions of this act shall not be applicable to any particular road for a longer period than ten years from the passage of the law authorizing the same, unless the same shall be continued in force by some future act of the general assembly.

County commissioners may remove road commissioners.

SEC. 16. That the county commissioners of any county through which any free turnpike road may pass, granted by any former or subsequent general assembly, shall have power to remove any road commissioner when the public good may require it, and fill such vacancy as in case of his death or resignation. All parts of acts conflicting with this section are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To provide more effectually for a correct and equal assessment of Money and of Capital in trade, for the purpose of Taxation.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of each assessor in this state, annually, at the time of taking the list of taxable property in his township, town, city or ward, to require of each person, company or firm subject to taxation therein, to make out and deliver to him a statement, in writing, of the amount of money which such person, company or firm has at interest, and such assessor shall also require of every person, company or firm, engaged in mercantile business or trade, to make out and deliver to him a similar statement of the amount of capital employed in such trade; such requisition may be made by the assessor, either verbally, or by written or printed notice left at the dwelling house, office, or usual place of doing business, of the person, company or firm required to make such statement.

Assessors may require of persons, firms, &c., written statements, &c.;

SEC. 2. Each person who is sole owner of the money, credits or capital, of which a statement is required by the preceding section, and some member, or the principal clerks of each company or firm owning such money, credits or capital, shall, within fifteen days, after being so required by the assessor, make out and deliver to such assessor the statement or statements required by the preceding section in writing, and shall, make solemn oath or affirmation, that the statement so made is full and true, according to the best of his knowledge and belief, which oath or affirmation the assessor is hereby authorized to administer, and which shall be indorsed on each statement; provided that no person, company or firm shall be required to make out such statement of money at interest or capital in trade, if the amount in either case shall not exceed one hundred dollars.

— which shall be attested on oath.

Provided—small amounts.

SEC. 3. That all moneys and credits, due and owing, whether on judgment, decree, bond, note, bill of exchange, draft, receipt, order, contract or agreement, whether payable on demand or at any specified time, past, present or future, or whether no time of payment be specified therein, whether containing an agreement to pay interest or not, provided interest, premium or any consideration whatever, for the use thereof, has been reserved, taken, contracted for or agreed upon, or is payable by the terms of the note, contract or agreement, whether written or verbal; and all debts or credits due, or owing upon notes of hand, bills of exchange, contracts, agreements, or other written or printed evidence of debt, acquired, bought or purchased at any rate of discount, before, at or after maturity, whether the same shall by the terms thereof bear interest or not, shall be considered and adjudged to be moneys at interest, and belonging to the person, company, or

Money at interest.

Discounted evidences of debt;

—how esteemed.

firm, owning or having the beneficial interest therein, and shall be included as such, in the statement of moneys at interest, required by the first section of this act.

What persons shall be deemed engaged in mercantile business.

Exceptions—dealers in cattle, horses, &c.

Merchants, &c.,—how governed in making statement.

Mediums to be taken.

Contingencies—change of investments.

Bankers and brokers.

SEC. 4. Every individual, company or firm that shall be engaged in the business of purchasing and selling personal property of any kind or description, for the purpose of making profit thereby, or that shall purchase personal property of any description, other than domestic animals, with the view to increase the value thereof, by any process of manufacturing, refining or otherwise improving the value thereof, for the purpose of selling the same at an increased price, shall be considered and held to be engaged in mercantile business or trade, within the meaning of this act; provided, that horses, cattle or any other property, which, by the existing laws of the state, are required to be listed for taxation, and which shall have been so listed shall not be considered as forming any part of the capital in trade of the person in whose name it shall have been so listed, or of any trader who may have purchased such cattle, horses or other property, for the year for which the same shall have been so listed.

SEC. 5. Every individual, company or firm, engaged in mercantile business or trade, in making out the statement required by the first section of this act, of the amount of capital employed, shall take, as the criterion of such amount, the medium sum between the greatest and smallest amount of goods, or other articles of personal property appertaining to such business, in the possession of such person, company or firm, during the year previous to the time of making such statement; or, if such person, company or firm, have been engaged in such business for a less time than one year, then the medium amount during the time of being so engaged, and, in like manner, the amount of money at interest, of any person, company or firm, to be contained in the statement required by the first section of this act, shall be, as near as the same can be ascertained, the medium sum or amount between the greatest and the smallest amount of money at interest, for the year next preceding the time of making out such statement; provided that if any person or member of any company or firm, required to make a statement of money at interest, or capital in trade, has withdrawn, or shall intend to withdraw the whole or any part of such capital in trade, or invest the same in property subject to taxation, otherwise than is provided by this act, or any part of the money at interest for the year previous, so as to reduce the amount of capital or money at interest, as the case may be, below the medium amount for the year previous, and shall attest to the same on oath or affirmation, the amount to be entered on the list by such person or firm, may be reduced accordingly; provided, further, that the provisions of this act shall apply to every unincorporated bank or banker, broker or brokers, or other person loaning or having money at interest.

SEC. 6. Moneys due on bona fide sales, or leases of land or real estate situate within this state, entered on the grand list for taxation, in cases where such sale or lease is in nowise connected with, or growing out of, a loan or advance of money, and moneys due on notes, checks, drafts, or other evidences of debt, for personal property actually sold in the ordinary course of business, and payable within six months from the date of the sale of such property, provided such sale of property shall have been in nowise connected with any loan or advance of money, nor made for the purpose of evading the payment of any tax, shall not be considered moneys at interest, within the meaning of this act.

Moneys due, &c.
In certain cases,
not to be taxed.

SEC. 7. In making out the statements of moneys at interest, required by the first section of this act, the person, company or firm of whom it is required, shall be entitled to deduct from the gross amount of moneys owing to such person, company or firm—

Other matters to
be deducted.

First: The amount of debts owing by such person, company or firm, bearing interest, to any person, company, firm or corporation, other than obligations given for the purpose of effecting insurances;

Second: Moneys owing to any person or persons out of this state, for the purchase of land within this state which is listed for taxation;

Third: Moneys due from persons believed to be insolvent, and which moneys are not otherwise adequately secured, may be omitted, in making such statement, to the amount believed not to be collectable.

SEC. 8. If any person, company or firm, shall refuse or neglect to make any statement, required of him or them by the provisions of this act, or shall refuse to verify the same by oath or affirmation as hereinbefore required, the assessor shall proceed to make out, from the best evidence in his power to obtain, a statement of the amount of money at interest, or capital in trade, of the person, company or firm that may have so refused or neglected to make such statement.

Neglect of mak-
ing statement—
how provided
for.

SEC. 9. Each assessor shall, at the time he is required to make return to the county auditor of other property assessed or listed by him, make return of the statements of money at interest and capital in trade, obtained or made out by him as required by this act; and the county auditor shall deduct from the amount of money at interest and capital in trade, as stated and verified by the owners thereof, fifty per centum, and the remaining fifty per centum he shall enter upon the grand list for taxation, as other property; but from the amounts stated and returned by the assessor, in cases where the owner or owners shall have refused or neglected to make the statement required by this act, the auditor shall make no deduction, but shall enter the whole amount on the grand list for taxation.

Assessors—aud-
itors.

SEC. 10. It is hereby declared to be the true intent and meaning of the first section of the act entitled "an act pointing

Meaning of act
of March 14,
1831.

out the mode of levying taxes," passed March fourteen, one thousand eight hundred and thirty one, that so much of said section as makes pleasure carriages subject to taxation, includes carriages, barouches, buggies, dearborns, and all other carriages or wagons intended for the transportation of persons, or as family or pleasure carriages or buggies, provided that no such vehicle shall be listed for taxation if the same shall be of less value than forty dollars.

Regulation
when lists have
been taken.

SEC. 11. In every county where the assessors shall have taken the list of taxable property before the first Monday in April of the present year, the assessors shall proceed to obtain the statements, and perform the duties required of them by this act, between that day and the first Monday in June next, and make return thereof to the county auditor, on or before the last named day, and for each year after the present year, they shall perform the duties required of them by this act, at the same time they are required to assess other property in their respective townships.

How tax to be
levied upon stage
coaches, &c.

SEC. 12. Each assessor in whose township, city, or ward, any stage owner shall reside, or in whose township, city, or ward, any stagecompany shall keep or have its principal office, or place of keeping its accounts, shall, at the same time he is required to demand statements of money at interest, and of capital in trade, also demand of every such owner, or in case of a company, of some member of such company, a written statement of the value of all the stagecoaches and other vehicles within this state in which passengers are conveyed, and of all the horses and harnesses within this state, belonging to such stage owner, or stagecompany, as the case may be, and every such stage owner, or member of any stagecompany, of whom such statements shall have been demanded, shall, within twenty days after such demand, make out, attest on oath or affirmation, before a justice of the peace, and deliver to such assessor, the statement herein before required, which shall set forth the true cash value according to the best judgment and belief of the person making and attesting the same; and if any such stage owner, or member of a stagecompany, shall neglect or refuse to make out and attest a statement as herein before required, every such person shall forfeit and pay the sum of one hundred dollars, which shall be recovered in an action of debt, before any court of competent jurisdiction, in the name and for the use of the state; and in every such case of refusal, the assessor shall proceed to make out from the best evidence he may be able to obtain, a statement of the value of the property above specified belonging to the person or company so refusing, and for that purpose such assessor may summon before any justice of the peace, every such stage owner, or any member of any stagecompany, and any clerk or agent of such owner or company, and examine every such person so summoned on oath, touching the amount and value of such property; and every person so summoned, who

shall fail to attend, or who shall refuse to answer on oath or affirmation any question which may be put to him by such assessor or by his order, shall forfeit and pay the sum of one hundred dollars, to be recovered and applied as above in this section provided; and every such statement shall be returned to the county auditor as in case of other statements referred to by this act, and the amount thereof shall be entered on the tax duplicate in a separate column, and the auditor shall assess thereon a tax of three fourths of one per centum, which shall be applied solely to state and canal purposes; and any tax otherwise charged on the coaches and other vehicles, horses and harnesses of any stage owner or company, that shall make out and attest on oath the statement in this section required, shall be remitted, on producing to the county treasurer on whose duplicate such tax is charged, a certificate from the assessor to whom such statement was delivered, setting forth such fact, which certificate such assessor is hereby authorized and required to make and deliver to such owner or company, his or their agent, on demand.

SEC. 13. That all furniture of every description used for fitting up and furnishing the lodging rooms, parlors, and other rooms of all public boarding houses, taverns, and hotels, for the entertainment of boarders, travelers, or other guests, shall be considered as capital in trade, and in all respects listed and taxed as mercantile capital is, by the provisions of this act, listed and taxed, provided that all kitchen and dining room furniture of any such boarding house, tavern, or hotel, and all furniture of rooms necessary for, and ordinarily used by, the family of the owner or keeper of such house, tavern, or hotel, shall be exempt from taxation. Furniture of public houses.

SEC. 14. The auditor of state shall, as soon as practicable after the passage of this act, make out and transmit to the several county auditors in this state forms of statements and oaths required by the first and second sections of this act, and all necessary instructions for carrying the same into uniform effect throughout the state; and the several county auditors shall, as soon thereafter as practicable, procure and deliver to the several assessors in their respective counties, the necessary certificates of moneys at interest, and of capital employed in trade required by this act, in blank, with the proper certificates of the oath required thereon, in blank, with a copy of the instructions transmitted to him by the auditor of state, as herein before required. Duty of auditor.

SEC. 15. The provisions of all laws now in force conflicting with the provisions of this act, or which are superseded thereby, shall be and the same are hereby repealed. Repealing act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 13, 1845.

15—G. L.

AN ACT

To amend an act entitled "An act to amend the act to regulate the practice of the Judicial Courts," passed March 8, 1831.

Process, &c.,
may be amended
during suit;

But the adverse
party may have
time to answer.

Further proviso.

Actions of tort
shall not abate
by death of
plaintiff.

Feme sole being
plaintiff—her
marriage, &c.

Misnomer;

In case of, de-
claration may be
amended.

Costs.

Initials and con-
tractions.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court in which any action shall be pending, shall have power to allow parties to amend any process, pleading, or proceeding, in such action, either in form or substance for the furtherance of justice, and upon such terms as shall be just, at any time, before or during the trial of such action, and before judgment rendered therein; provided that if such amendment be made to any pleading, in matter of substance as the court may in their discretion allow, the adverse party shall have time, according to the course and practice of the court, to answer the amended pleading so as not to be prejudiced in conducting his action, prosecution or defence; provided, further, that process by which any action shall have been commenced, and on which any person shall have been arrested, shall not be amended in the return day thereof.

SEC. 2. That no action of trespass on the case or other action, founded on a tort now pending or which may be hereafter commenced, shall hereafter abate by the death of any plaintiff in any such action, and in case of the death hereafter occurring of any plaintiff in any such action, the administrator, executor or other legal representatives of such deceased plaintiff shall be substituted in the proceedings, and such action may be conducted to trial, judgment and execution, for the benefit of the estate of such decedent in all other respects as if he were still living.

SEC. 3. No action now pending, or which may hereafter be commenced in the name of a feme sole, shall abate in consequence of the marriage of such feme sole; and in case of the marriage of any such feme sole pending an action in her name, by making a suggestion of such marriage in court, and the insertion of the name of the husband in the proceedings, such suit may be conducted to trial, judgment and execution, in all other respects as if no such marriage had occurred.

SEC. 4. No plea in abatement for a misnomer shall be allowed in any personal action, but in all cases in which a misnomer would, but for this act, have been by law pleadable in abatement in such actions, the defendant shall be at liberty to cause the declaration to be amended at the costs of the plaintiff, by inserting the right name upon notice to the opposite party, issued by the clerk of the court, founded on an affidavit of the right name, and in case such application shall be discharged, the costs of the same shall be paid by the party applying, if the clerk shall think fit.

SEC. 5. In all actions upon bills of exchange or promissory notes or other written instruments where any of the parties

thereto are designated by the initial letter or letters, or some contraction of the christian or first name or names, it shall be sufficient in every affidavit to hold to bail, and in the process or declaration, to designate such person by the same initial letter or letters or contraction of the christian or first name or names, instead of stating the christian, or first name or names in full.

SEC. 6. And, whereas, it is expedient to lessen the expense of the proof of written or printed documents and laws or copies thereof on the trial of causes, be it further enacted that it shall and may be lawful for the judges of the supreme court in bank to make regulations by general rules or orders from time to time touching the voluntary admission, upon an application for that purpose, at a reasonable time before the trial, of one party to the other, of all such written or printed documents, or laws or copies of documents as are intended to be offered in evidence on the said trial by the party requiring such admission, and touching the inspection thereof before such admission is made, and touching the costs that may be incurred by the proof of such documents or laws or copies in the trial of the cause in case of the omitting to apply for such admission or the not producing such documents, laws or copies for the purpose of obtaining admission therefor, or of the refusal to make such admission as the case may be, and as to the said court in bank shall seem meet, and all such rules and orders shall be binding and obligatory in all courts of the supreme court, and common pleas.

Court in Bank may establish rules for the voluntary admission of documents as evidence, &c.

SEC. 7. Whenever it shall become necessary for the attainment of justice, the court may allow a plaintiff to reply several matters to a plea of a defendant, and allow a defendant to rejoin several matters to a replication of the plaintiff.

Replication and rejoinder.

SEC. 8. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Acts repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To provide for registering the names of electors and to prevent frauds at elections.

Township assessors, collectors, &c., of certain townships, counties, and cities shall enroll voters.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That before the tenth day of September in each year, the city collectors for the city of Cincinnati, and the assessors of the township of Steubenville, in the county of Jefferson, the township of Wayne, in the county of Scioto, the assessors of the several townships of the counties of Cuyahoga, Montgomery and Pickaway, together with the assessors of such other townships of this State as are divided into two or more election districts, shall make full and accurate alphabetical lists of the names of all the qualified electors and such as may become qualified electors on or before the second Tuesday of the then next October, residing in their respective townships; and in making such lists the names of those residing in the several election districts shall be placed upon separate lists, and upon such separate lists the names of those residents who are not at the time their names are entered qualified voters, but who may become qualified on or before the second Tuesday of October, then next, shall be entered in a separate column from the names of such as at the times of entering their names are qualified, and in taking such lists the city collectors of the city of Cincinnati shall make such arrangement as to which of such collectors shall make the required lists of the residents in the several election districts of said city as they may deem expedient, provided, that they shall in no case divide an election district; and the said collectors and assessors at or before nine o'clock, A. M., of the Tuesday four weeks before the second Tuesday of October, in each year, shall return such separate lists for such election districts to the judges of the respective election districts, or some one of such judges in each district, with the affidavits of the officers taking the same, attached thereto, stating that the same have been honestly and faithfully taken by them.

One list for each election district.

Cincinnati.

Return of lists.

Judges in certain election districts shall constitute boards of registry.

SEC. 2. The judges of elections in the several election districts in such townships in this state as are divided into two or more election districts, and the judges of elections of the several townships in the county of Pickaway, and the counties of Cuyahoga, Montgomery, the county of Summit, and the county of Portage, and of the township of Steubenville, in the county of Jefferson, and the township of Wayne, in the county of Scioto, shall constitute boards of registry for their respective election districts, any two of which judges shall constitute a quorum to do business, and such boards shall meet at the places of holding elections, in their respective election districts, on Tuesday, four weeks before the second Tuesday of October, in each year, at nine o'clock, A. M., on said day, and such boards of registry shall then

When to meet, and how proceed.

and there proceed to make out for their respective election districts, from the lists made out by the collectors and assessors, the poll books of preceding elections, and such knowledge or information as they may have or obtain, full and accurate alphabetical lists of the names of all the qualified voters residing in their respective election districts, and separate lists of the names of all persons residing in their respective election districts who may become voters on or before the second Tuesday of October then next; and any person having a legal right to challenge votes in any such election district, may attend at such meeting of the board of registry in his district and notify the board of his intention to challenge the vote of any person whose name may be on such list, and the board of registry shall enter against such name the word "challenge" and such boards of registry shall cause a copy of the lists by them made to be posted up at the places of holding elections, in their several election districts, within two days from the day of their meeting as aforesaid, and if the same shall be torn down in any election district before the second Tuesday of October, then next, the board of such election district shall cause the same to be supplied by another copy; and said board shall also give notice to the electors in their respective districts that they will hold their meeting in conformity with the third section of this act on the Monday next preceding the second Tuesday of October thereafter, for the purpose of correcting the list of electors for their district, and that the said electors may then and there appear and have their names registered if they shall have been omitted; and in every incorporated town, village or borough that constitutes a separate election district and which is composed of portions of two or more townships, it shall be the duty of the marshal of said corporation to make the list of qualified voters in the same manner as is required by township assessors by this act.

Notice of challenge.

Copy of list to be posted up.

Board shall give notice—their second meeting.

SEC. 3. On the Monday next preceding the second Tuesday of October in each year, such boards of registry shall meet at the usual places of holding elections in their respective election districts at nine o'clock, A. M., on said day, and on the said second Tuesday of October, at the place of election, for at least one hour, and until nine o'clock in the morning, before the polls are opened, and proceed to review and correct their several lists by crossing the names of persons on such lists as are not qualified to vote in their respective districts, and adding the names of such as are qualified, or may become so in time to vote the then next day, and have been omitted; but no name shall be so crossed as to be rendered illegible.

When held.

They shall correct their lists;

SEC. 4. The judges of elections in such election districts shall carefully preserve the lists taken by collectors and assessors for their respective districts, and the lists as made out and corrected by themselves, and have the same, with the poll books of the elections of the preceding year, including that of

—which shall be preserved.

Who shall vote. the annual election of the preceding October, at the election on the second Tuesday of October in each year; and no person shall be allowed to vote at such election, unless his name is found on one of the lists or one of the poll books present, or it is shown by testimony on oath that his name has been omitted by fraud, accident or mistake, and the fact of the name of a person being on any of such lists and poll books or all of them shall not be conclusive evidence of his right to vote at such election; provided, that if any person shall present to the judges of election in any such election district where he then actually resides, a certificate signed by not less than two of the judges of election in another election district of the same county, stating that the name of such person is entered upon the list of electors in their election district, that his name is crossed on such list, and that he has not voted in their election district, and such person, if qualified in other respects, may be permitted to vote in the election district in which he actually resides at the time of offering his vote.

Penalties for neglect of duty.

SEC. 5. That any assessor or collector who shall neglect to make return of the names as is required by this act shall forfeit and pay, for the use of schools in his township, the sum of one hundred dollars, to be recovered by action of debt, in the name of the trustees of such township; and every assessor or collector who shall wilfully make any false return in respect to any part of such list shall forfeit and pay, in the same manner, and for the same purpose, not less than twenty dollars, nor more than one hundred dollars for every name in respect to which he shall have made a false return.

Board may administer oaths.

SEC. 6. Boards of registry, at their meetings, as required in the second and third sections of this act, shall have power to examine witnesses on oath or affirmation touching any fact connected with their duties as such board of registry; and the members of such boards shall each have power to administer all oaths and affirmations which may be required in the discharge of their duties.

False swearing.

SEC. 7. Any person swearing or affirming falsely in any matter under this act shall be deemed guilty of perjury, and shall be punished accordingly.

Naturalized citizens;

SEC. 8. The naturalization of a person shall be proved by the production of the certificate of naturalization, under the seal of the court granting the same, and if there still be doubt, one question shall be put and answered under oath, in addition to those required by the general law, to wit: "are you the identical person specified in the certificate which you present?" and such other questions as the board shall direct shall also be put and answered on oath; provided in case it shall appear that such naturalized person has lost such certificate by some accident and against his will, the board of registry shall register such person if they are satisfied that he is a citizen according to the provisions of the act entitled "an act to preserve the

—accidental loss of certificates—how provided for.

purity of elections," passed March twentieth, one thousand eight hundred and forty one.

SEC. 9. Any person who shall cause his name to be registered for the same election in more than one election district or in any way more than once for one and the same election, unless his name shall have been previously crossed from any and all such other lists as may within his knowledge contain the same, in the manner provided in the fourth section of this act, or who shall cause his name to be registered knowing he is not a qualified voter in the district where the said registry is made, or, being so registered, shall vote or offer to vote in more than one election district at any one election, and any person causing, aiding or abetting any person to be registered in more than one election district for the same election, or in any election district where the person so registered is not a qualified and legal voter, shall be deemed guilty of a misdemeanor, and shall be punished for each and every offence by a fine not less than fifty dollars, nor exceeding five hundred dollars, or by imprisonment in the penitentiary for a term not less than three months nor more than two years, or both, at the discretion of the court.

Frauds—how punished.

SEC. 10. In deciding on the qualifications of voters, the board shall be governed by the general laws now in force on that subject and by this act.

Judges—how governed.

SEC. 11. If it shall ever so happen, because of death, resignation, absence or any other cause, that there shall not be at least two judges of elections in any district to perform the duties required by this act, then one or more persons, as the case may require, shall be chosen to act as a member or members of such board of registry, at the several times and places of meeting of such board required by this act, and the person or persons so chosen shall have the same qualifications, and be chosen by the bystanders, in the same manner that judges of elections are chosen in the absence of a township trustee.

Vacancies in the board—how filled.

SEC. 12. That the city collectors, township assessors, of districts where the annual collections or assessments which they are required to make shall be made prior to the passage of this act, shall proceed immediately to make the lists required by this act, and they shall receive such reasonable compensation therefor as the city council of the city of Cincinnati, in the case of collectors, and the township trustees, in the case of assessors, shall think proper, and in all other cases hereafter such assessors and collectors shall make the lists of residents required by this act at the time of making the annual collections or assessments in their respective districts.

Compensation, &c.

SEC. 13. That any person who shall willfully tear down, deface or alter any list posted up, as required by the provisions of the second section of this act, during the time for which such lists are required by this act to be posted, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any

Tearing or defacing a list of voters—how punished.

court of competent jurisdiction, shall be fined in any sum not less than twenty, nor more than one hundred dollars, or be sentenced to confinement, and confined in the cell of the dungeon, in the jail of the proper county, and fed on bread and water for not less than five nor more than fifteen days, or both, at the discretion of the court.

Acts repealed.

SEC. 14. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 13, 1845.

AN ACT

To amend the act entitled "An act fixing the time of holding Courts in the Sixteenth Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the second term of the court of common pleas, in the county of Paulding, for the year one thousand eight hundred and forty five, be holden on the tenth day of October. All parts of acts conflicting with this act be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To amend the act entitled "An act to regulate the taxation and collection of costs," passed March 9, 1835.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That every justice of the peace shall have the same power and authority to issue execution for costs, in the same manner and instances that the clerks of common pleas are authorized to issue such executions by the fourth section of the above recited act, for the collection of costs as therein provided.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To prohibit unauthorized Banking, and the circulation of unauthorized Bank paper.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no body politic or corporate shall establish a bank, or engage in the business of banking, to receive on deposit, keep and circulate the money or bank paper of others, without express authority of a law of this state.

Unauthorized banking prohibited.

SEC. 2. Every person who shall subscribe to become a member of, or become in any way interested in, any such body corporate or politic, with a view to establishing such bank, or engaging in the business of banking, or shall in any way aid or assist such body corporate or politic to establish a bank, or carry on the business of banking, contrary to the provisions of the first section of this act, shall forfeit and pay the sum of one thousand dollars for every offence.

Engaging in such banking;

—Penalty therefor.

SEC. 3. No person, association of persons, body politic or corporate, shall make and put in circulation, or make and attempt to put in circulation, as money or currency, any note, bill, or other evidence of debt, without express authority of a law of this state.

Making and circulating unauthorised paper, prohibited.

SEC. 4. Every person who shall violate the provisions of the third section of this act, or in any way aid or assist any association of persons, body politic or corporate, to make or put in circulation any note, bill, or other evidence of debt, contrary to the provisions of the third section of this act, shall forfeit and pay one thousand dollars for every such offence; and any corporation, not a municipal corporation, which shall offend against the third section of this act, shall forfeit its charter.

Violation of third section;

—And penalties therefor.

SEC. 5. No person shall open or keep an office or agency for the purpose of redeeming the notes, bills, or other evidence of debt, which have been issued for circulation as money or currency, without express authority of a law of this state, under the penalty of five hundred dollars for every such offence; and every day such office or agency is kept for such purpose, shall be considered a distinct and separate offence.

Offices or agencies.

Penalties.

SEC. 6. No person shall put in circulation, pass, or attempt to circulate or pass as money or currency, any note, bill, or other evidence of debt, made or issued without authority of law, knowing the same to have been made or issued without authority of law; and no person shall make or put in circulation, pass, or attempt to circulate or pass, as money or currency, any note, bill, or other evidence of debt, which is not made payable in the lawful money of the United States, or which is for a less sum than one dollar, under a penalty of fifty dollars for every such offence.

Passing unauthorized notes, &c.;

—Penalty therefor.

SEC. 7. That all penalties imposed by this act shall be recovered by action of debt, in the name of the state of Ohio, before any court of competent jurisdiction, or by indictment; and all penalties incurred under this act, when collected, shall

Penalties, how recovered; how disposed of.

be paid to the treasurer of the county in which the judgment is recovered for the same, for the use of the state of Ohio.

Altered bills
shall be redeem-
ed.

SEC. 8. Every bank in this state shall be liable to pay to any bona fide holder the original amount of any bill of such bank, which shall have been altered to a larger amount in the course of its circulation, notwithstanding such alteration.

Suits commenc-
ed under certain
laws;

SEC. 9. All suits heretofore commenced, and now pending, under the provisions of the act entitled "an act to prohibit the issuing and circulating of unauthorized bank paper," passed January twenty seven, A. D., one thousand eight hundred and sixteen, and the several acts amendatory thereto, and the act entitled "an act to prohibit the establishment, within this state, of any branch, office or agency of the Bank of the United States of Pennsylvania, or any other corporation, incorporated by the laws of any other state, or by the laws of the United States, and for other purposes," passed January nine, A. D., one thousand eight hundred and thirty nine, and the act entitled "an act providing for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio," passed February twenty five, one thousand eight hundred and thirty nine, and the several acts amendatory and supplementary thereto, and the act entitled "an act to punish crimes therein named, and the prevention of a fraudulent currency," passed March seven, A. D., one thousand eight hundred and forty two, whether judgment has been obtained or not, or decrees rendered, shall, in all respects, be proceeded with in the same manner as though such suits had been originally commenced under the provisions of this act; and the acts above recited and referred to in this section, except the eleventh, twelfth, thirteenth and fourteenth sections of the act entitled "an act to prohibit the issuing and circulation of unauthorized bank paper," aforesaid, are hereby repealed; provided that

—How proceed-
ed with.

Acts repealed,
except, &c.

Proviso relating
to banks existing
before Feb. 24,
1845; which
shall be examin-
ed once a year.
&c.

each banking company in this state, existing at the time of the passage of the act entitled "an act to incorporate the State Bank of Ohio, and other banking companies," passed February twenty four, one thousand eight hundred and forty five, shall be examined as often as once in each year, by a person to be appointed by the auditor, treasurer and secretary of state, or any two of them, in the same manner as is provided for by the forty fourth section of the last recited act; and when such person is appointed, he shall perform the same duties, and receive the same compensation as is provided by said act; and each of said companies shall make out a statement in the same manner, and forward the same to the auditor, at the times required by the fifty ninth section of the last named act; and the laws hereby repealed shall remain in force, as to all banks now in process of liquidation under them, until the concerns of such banks shall be finally closed up; provided, further, that this act shall not affect any special act for the relief of any institution or company which has exercised or assumed any banking powers, or for the relief, or for the creditors thereof.

Further proviso.

SEC. 10. That nothing in this act shall be so construed as to restore to any existing bank a right to issue and circulate the notes of such bank, of a less denomination than five dollars. Small notes.

SEC. 11. This act shall take effect from and after the first day of June next; provided that the first section of this act shall not take effect before the first day of March, one thousand eight hundred and forty six, upon any existing corporation now engaged in the business prohibited by that section, and which has duly reported, and shall continue to report, its dividends and profits to the auditor of state for taxation. When to take effect.

Discrimination.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend an act entitled "An act prescribing the duties of County Auditors," passed March 23, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any auditor, treasurer or recorder of any county in this state, except the county of Hamilton, shall be unable to perform all the duties of his office without aid or assistance, he may certify the same to the county commissioners, who shall inquire into the facts, and if, in their opinion, it shall be necessary to employ an assistant to either or any of said officers, they shall permit and authorize such officer to employ one or more clerks or assistants, during such time as may be necessary to aid said officer to perform all the duties of his office, at the rate of not exceeding three hundred dollars per annum, or in that proportion for a less time; provided that the amount of salary and clerk hire of any auditor, treasurer or recorder, shall in no case exceed the amount of fees such officer would have been entitled to under the law previous to the passage of the act entitled "an act to reduce the compensation of members of the general assembly, and certain other state and county officers, and for other purposes," passed January twenty seven, one thousand eight hundred and forty four; provided, further, that it shall not be the duty of county or township officers to keep cash books, after the passage of this act, unless the same shall be ordered by the commissioners of such county. County commissioners may authorize county officers to employ clerks;

—At what salary.

Provided, &c.

Cash books.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the several acts now in force in relation to the sale of Lands forfeited to the State for the nonpayment of Taxes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county auditor in discharge of his duty, under the act passed March fourteenth, one thousand eight hundred and thirty one, "to provide for the sale of lands forfeited to the state for nonpayment of taxes," is hereby authorized to adjourn the sale therein specified, from day to day, until he shall have disposed of, or offered for sale, each and every tract of land specified in the notice; and the notice of sale required by said act to be given, shall set forth that the sale will be so continued, provided that nothing in this section shall be so construed as to prevent said auditor from offering, in his discretion, any tract of land two or more times at the same sale.

SEC. 2. That if any tract or parcel of land shall not sell at such public sale for an amount sufficient to pay the taxes, interest and penalty, which stand against such tract, the auditor shall return the same as unsold, to be retained upon the list of forfeited lands, to be offered for sale the next succeeding year, as other forfeited lands.

SEC. 3. That whenever any tract or parcel of land shall be hereafter sold, under the provisions of this act, and the act to which this is an amendment, the former owner or owners may redeem the same, at any time within six months from the sale thereof, by depositing with the county auditor the amount of said sale, together with fifty per centum thereon, and by paying all other expenses incidental to, and arising from, said sale; provided, however, that if any of said forfeited lands shall be sold for a greater sum than the tax, interest, penalty and costs, it shall be the duty of the auditor to deposit the same with the treasurer of his proper county, and shall charge said treasurer separately in each case, in the name of the supposed owner, with the excess above said tax, interest, penalty and costs; and such treasurer shall retain in the treasury of his county the said excess, for the proper owner of said forfeited lands, and upon demand by such former owner, within two years from the day of such sale, pay such excess to said former owner; and in case said treasurer, upon such demand, shall not be fully satisfied as to the right of the person demanding the same to receive it, or in case of different claimants, it shall be the duty of said treasurer to file his bill of interpleader, in the court of common pleas of the county where such land was sold, wherein he shall make the person or persons claiming said excess, and the state of Ohio, defendants, and such suits shall be proceeded in according to the usages of courts of chancery upon bills of interpleader; and, in all cases, the costs of such proceeding in chancery shall be paid by the person or persons claiming said excess, as the court shall order; and it shall be the duty of the

Auditor may adjourn sales of delinquent lands from day to day, until sold.

Lands not selling for the amt of taxes, &c., may be retained on forfeited land list, and again offered.

How such lands may be redeemed.

Excess of purchase money to be paid to owner.

Duty of treasurer in certain cases.

Suit in chancery.

Costs.

prosecuting attorney of the county to attend to the same, in
behalf of the treasurer. Prosecuting at-
torney.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend an act entitled "an act directing the mode of proceeding in Chancery," dated
March fourteenth, one thousand eight hundred and thirty one.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That answers in chancery, hereafter filed, shall not be received as evidence, except in cases where the bill or petition to which the answer is responsive, expressly calls for an answer on oath. Answers in
chancery,
—not received
unless called for.

SEC. 2. In cases where it shall be necessary to make the heirs or devisees of any decedent defendants, and the names of all, or part of them is unknown, and the complainant annexes to his bill or petition an affidavit certifying his want of knowledge of the names or residence of such heirs or devisees, proceedings may be had against them, without naming them, and the court shall make such order in relation to notice as may be deemed proper. Unknown de-
fendants
—may be sued.

SEC. 3. The provisions of the forty eighth and forty ninth sections of the act directing the mode of proceeding in chancery, passed March fourteenth, one thousand eight hundred and thirty one, are extended to all injunctions, and in no case the breach of any injunction shall consist in the neglect or refusal of any person enjoined to perform an act required to be done by such injunction, such person may be fined in such sum, as the court may direct, not exceeding two hundred dollars, or be ordered to stand committed until such act shall be fully complied with, or until he shall be otherwise legally discharged. Provisions of a
certain act ex-
tended to injunc-
tions.
Neglect of in-
junction;
—penalty there-
for.

SEC. 4. When any injunction shall be hereafter allowed, which shall operate to enjoin a levy upon, or to stay sale of any particular property by virtue of a levy, and not to stay proceedings at law generally, it shall be competent for the judge or court, allowing such injunction, to direct the amount of the penalty of the bond in any sum not less than twice the probable value of the property embraced or intended to be embraced in such levy; and on the dissolution of such injunction the court shall render a decree for the party enjoined to an amount not exceeding the value of the property levied upon, nor exceeding the amount of the judgment at law and interest thereon, and the costs accruing in such injunction proceed- Limited injunc-
tions;
—penalty of
bond.
Dissolution of
injunction.
Decree—
Interest and
costs.

Penalty—	ing together with five per centum penalty in such value or judgment and interest; but in all cases where a levy only is enjoined the plaintiff at law shall have the right to abandon his said levy, and have a new execution on his judgment against other property; so much of sections forty three and forty four of the act above mentioned as is inconsistent with this section is repealed.
Simple levy.	
New execution.	
Sections repealed.	
Writs of injunction;	SEC. 5. The supreme court, or any judge thereof, and the court of common pleas, or any president judge thereof, and the superior court of Cincinnati, and the judge thereof, shall have power to grant writs of injunction, and appoint receivers thereunder; and either of said courts, or any judge thereof, shall have power to grant writs of injunction to stay proceedings both before and after judgment of any of the courts of law; and in all cases of allowance of injunctions, the court, or judge allowing the same, shall direct the amount and condition of the bond and security to be given by the complainant, unless especially provided for by law. Section forty one of the act above mentioned is repealed.
—who shall have power to grant.	
Bond and security may be controlled by complainant.	
Section repealed.	
Appeals.	SEC. 6. Any party to a suit in chancery may appeal his separate part of the suit, in which case the court from which the appeal is taken, shall direct the amount and condition of the bond on appeal.
Acts repealed.	SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To provide for obtaining stone for the Public Buildings, and works of the State, and for other purposes.

Directors and
 Warden of the
 O. P. to procure
 a stone quarry;

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of procuring, in an economical manner, suitable stone for the public buildings, and other public works of the state, to be wrought by the convicts in the penitentiary, the directors and warden of the Ohio Penitentiary, be and they are hereby authorized and required to procure a limestone quarry, by purchase or otherwise, at some suitable point on or near the Scioto River, and not more than six miles distant from the city of Columbus, having due regard in its selection, to the distance, the quantity and quality of the stone, and the facility with which such stone can be quarried and transported.

SEC. 2. That the said directors and warden are hereby authorized and required to construct a railroad from the Ohio Penitentiary to said quarry, and in doing so they shall have the same power that other agents of the state have on the public works of the state, as specified in the eighth section of the act to provide for the internal improvement of the state of Ohio by navigable canals, passed February fourth, one thousand eight hundred and twenty five.

—and construct a railroad thereto.

Special powers of Directors, &c.

SEC. 3. That for the purpose of carrying into effect the provisions of the first and second sections of this act, the said directors and warden are hereby authorized to appropriate from time to time as may be necessary, any moneys belonging to the prison, the avails of convict labor, and such surplus labor as may not be engaged on contract, having due regard to the interest of the state, and the prison, any other appropriation in the fifth section of this act to the contrary, notwithstanding.

Surplus moneys and labor of Penitentiary appropriated.

SEC. 4. Whenever any present contract for convict labor shall expire by limitation or otherwise, such contract shall not be renewed, if, in the opinion of the directors it will, to any considerable extent, interfere with the business and interest of the mechanics of this state, and all prisoners employed upon such contract, provided the same be not renewed, shall thereafter be employed upon the work aforesaid, and provided that the directors and warden shall at all times employ upon contracts, the business of which does not, in their opinion, to any considerable extent, conflict with free mechanical labor, so many of the convicts as, in their opinion, may be necessary to defray the expenses of the institution, and no more, and the remainder shall be employed either upon the work aforesaid, or upon the railroad, as provided for in this act, at the discretion of the directors and warden; provided, further, that nothing in this act shall be taken to interfere with any legally existing contracts for convict labor so far as it respects the number of men now employed.

Expiring contracts not to be renewed if conflicting with mechanical interests.

Legally existing contracts not to be interfered with.

SEC. 5. That if any person or persons shall willfully or negligently obstruct, or in any way spoil, injure or destroy said road, or any thing belonging or incidental thereto, or any materials used or to be used, in the construction thereof, or any building, fixture or carriages erected or constructed for the use or convenience of said road or quarry, such person or persons shall be liable for every such offence to treble the damages sustained thereby, to be recovered by action of debt in any court having competent jurisdiction.

Obstruction, &c. of railroad &c.

Penalty therefor.

SEC. 6. Nothing in this act shall interfere with the existing contracts for the enlargement of the Lunatic Asylum as authorized by law.

Lunatic Asylum.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To punish the offences of cutting down or destroying fruit and ornamental trees, and stealing fruit and vegetables, in certain counties of this State.

Injury to trees,
&c., in Cuyahoga
county—how
punished.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons within the county Cuyahoga shall willfully, maliciously, and without lawful authority, cut down, root up, sever, injure or destroy any fruit or ornamental tree, cultivated root or plant, fruit, or other vegetable production, standing or growing on, or being attached to the lands of another, or shall willfully and without lawful authority, cut down, root up, destroy or injure any fruit or other ornamental tree or shrubbery, planted or growing on any street, lane or alley, or public grounds in any city, borough or incorporated town in said county, every such person so offending, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not more than five hundred dollars, or by imprisonment, in the jail of said county, not exceeding three months, or both, at the discretion of the court, and shall moreover, be liable in damages to the party injured.

Tenants in common.

SEC. 2. In case of prosecution for either of the offences above specified, if the lands therein referred to shall be owned or occupied in common, by two or more tenants in common, the indictment shall be deemed sufficient, if the name of any one or more of such tenants in common shall be named therein.

Prosecutions
shall be by indictment
or in action of debt—
limitation.

SEC. 3. That all prosecutions under the provisions of this act shall be by indictment before the court of common pleas in said county, or by an action of debt before any justice of the peace of the said county, and shall be commenced within one year from the time such offence shall have been committed, and not afterwards; and all fines collected under the provisions of this act shall be paid into the county treasury of said county for the use of the same.

Fines.

Extending these
provisions to
other counties.

SEC. 4. This act shall extend to, and be in force in the counties of Geauga, Lake, Ashtabula, Trumbull, Huron, Lorain, Erie, Wood, Summit, Medina, Portage, Fayette, Seneca, Sandusky, Franklin, Washington, Greene, Tuscarawas, Meigs and Richland.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 13, 1845.

AN ACT

Making appropriations for the year one thousand eight hundred and forty five.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums be and they are hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be paid for the year one thousand eight hundred and forty five, to wit:

For the payment of the members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, doorkeepers, and messengers, a sum not exceeding thirty thousand dollars; For payment of members, &c.;

For paying the salaries of the governor, auditor, treasurer, and secretary of state, librarian, superintendent of the lunatic asylum, and chief clerk in the auditor's office, the sum of five thousand dollars; State officers;

For paying the salaries of judges of the supreme court, president judges of the court of common pleas, and the judge of the superior court of Cincinnati, and the reporter of the decisions of the supreme court in bank, the sum of twenty four thousand dollars; Judges and Reporter;

For paying the salaries of the board of public works, a sum not exceeding twenty five hundred dollars; Board of public works;

For paying the state printer, a sum not exceeding seventeen thousand dollars; State Printer;

For paying bounty on wolf scalps, a sum not exceeding fifteen hundred dollars; Wolf scalps;

For paying the expenses and salaries of adjutant and quartermaster generals, the sum of one thousand dollars; Military officers;

For contingent fund of the governor, a sum not exceeding four thousand dollars; out of which he shall be authorized to pay such sum, not exceeding three hundred dollars, in addition to the sum now allowed by law, to his private secretary as may be necessary to insure the services of a competent person; Contingent funds;

For contingent fund for secretary of state, a sum not exceeding one thousand dollars;

For contingent fund of treasurer of state, a sum not exceeding twelve hundred dollars; of which not exceeding three hundred dollars may be expended for clerk hire, in addition to the amount now allowed by law, at the discretion of the treasurer;

For contingent fund for the auditor of state, including one thousand dollars for new entries, the sum of three thousand five hundred dollars; out of which the auditor shall be authorized to pay for clerk hire such sum, not exceeding four hundred dollars, in addition to the salaries now allowed by law, as may be necessary to secure the services of competent clerks, the sum of four hundred dollars. The sum of four hundred dollars to the secretary of state, as superintendent of common schools, for services and clerk hire, and not exceeding two hundred dollars in addition to the salary of the clerk of the secretary, to secure the services of a competent clerk;

For the purchase of wood for the next general assembly and the public offices, a sum not exceeding five hundred dollars;

For the payment of treasurers' mileage, a sum not exceeding one thousand dollars;

State library; For the state library, a sum not exceeding five hundred dollars; for premium of insurance on the books and other property in the library, a sum not exceeding one hundred dollars;

Postage of members; For the payment of postage of the members and officers of the general assembly, a sum not exceeding twenty five hundred dollars;

Lunatic asylum; For supporting the lunatic asylum, including the support of additional patients to occupy the west building, a sum not exceeding thirteen thousand dollars. For continuing the erection of the east building of said asylum, so as to provide for the admission of an additional number of patients, and purchasing a piece of seven acres of land, situate between the lands of the asylum and Broad street, provided the same can be purchased for a reasonable price, not exceeding two thousand dollars, eight thousand dollars. And for furnishing the west building of said asylum, and for other purposes, including the purchase of stoves for warming the building, and all the other necessary furniture, ten thousand dollars;

Deaf and dumb asylum; For the deaf and dumb asylum, two thousand dollars to discharge its present debts, and three thousand to erect and cover one wing as an addition to the present buildings;

Blind asylum: For the institution for the blind, two thousand dollars; For clothing indigent pupils in the institution for the blind, one hundred and fifty dollars;

For clothing indigent pupils in the asylum for the deaf and dumb, one hundred and fifty dollars;

For operating on the eyes of pupils in the institution for the blind, one hundred dollars;

For expenses of courts martial, one thousand dollars;

Double entries; For double entries, a sum not exceeding twelve hundred dollars;

Fund commissioners—their secretary. For salary of the acting fund commissioners, six hundred and sixty six dollars; and for the salary of the secretary for the fund commissioners, four hundred dollars;

Investigating commissioners—public works; Commissioners canal fund; For paying the wages, traveling, and incidental expenses of commissioners appointed to examine the books, accounts, and doings of the board of public works and the commissioners of the canal fund, to be paid out of the treasury, on the warrant of the auditor of state, who is hereby authorized to audit the accounts of said commissioners, a sum not exceeding twenty five hundred dollars;

Warden O. P.; For the salary of the warden of the penitentiary for the years one thousand eight hundred and forty four and one thousand eight hundred and forty five, the sum of one thousand six hundred dollars; and for the salary of the physician to the penitentiary, for the years one thousand eight hundred and

Physician

forty four and [one thousand eight hundred and forty] five, the sum of one thousand dollars; provided that after the passage of this act the salary of said physician shall not exceed the rate of four hundred dollars per year;

For Lucien Buttles, the sum of fourteen dollars and eighty three cents; Miscellaneous appropriations.

For Ellis Ayres, the sum of nineteen dollars and forty six cents;

For O. P. Stidger, the sum of one dollar;

For R. Ellis and company, the sum of sixteen dollars and thirty nine cents;

For Whiting and Huntington, the sum of twenty five dollars;

For J. Ridgway, the sum of twenty six dollars and sixty three cents;

For H. J. Amburgh, the sum of seven dollars and twenty six cents;

For James Aston, the sum of seventy dollars and seventy cents;

For Lucien Buttles, seventy five cents;

For Dwight Stone and company, seventy five cents;

For Robert Ellis and company, thirty one dollars and sixty four cents;

For Stewart and Osborn, ten dollars and eighty eight cents;

For A. Hardy, six dollars and forty cents;

For S. E. Wright and company, eight dollars and sixty cents;

For William Ballinger, one dollar;

For James Sternes, nine dollars and fifty cents;

For Van E. Vanmetre, twenty three dollars and thirty two cents;

For H. W. Broderick, twenty dollars;

For L. D. and L. R. Preston, eleven dollars and sixty five cents;

For S. I. Godman, fifty two dollars and fifty cents;

For Ellis, Sessions, and company, nine dollars and thirty one cents;

For W. M. Savage, three dollars and seventy five cents;

For Christian Betz, twenty four dollars and fifty cents;

For John Greenleaf, thirty dollars;

For Jacob Boswell, twenty four dollars and eighty six cents;

For George J. Pugh, two dollars and twenty five cents;

For John Walton, ten dollars;

For John Moore, twelve dollars and fifty cents;

For Barnhart, Hall and company, eleven dollars;

For Ellis Ayres, five dollars and seven cents;

For William Domigan, one hundred and twenty four dollars;

For Stewart and Higgins, nine dollars and twenty one cents;

For Lawrence Dipple, five dollars and twenty five cents;

For Stewart and Osborn, twenty three dollars and forty one cents;

For S. I. Godman, sixteen dollars;
 For H. F. Wheeler, seventy five cents;
 For W. Large, two dollars and sixty nine cents;
 For A. Schneider, twenty dollars;
 For Lucien Buttles, seventy five cents;
 For Luther Donaldson, two dollars;
 For R. R. Allen, two dollars and sixty two cents.

That the appropriations hereby made are in addition to the unexpended balances of former appropriations.

General revenue
tax.

SEC. 2. That the tax hereinafter to be levied for general revenue purposes shall be one mill on the dollar on grand duplicate.

Provision for the
payment of in-
terest on state
debt.

SEC. 3. It shall be lawful for the auditor and treasurer of state to transfer to the canal fund, for the payment of interest on the debts of the state, any moneys belonging to the general revenue which may be in the treasury, and not otherwise appropriated by this or by any former act, and also to loan to said fund, for the purpose aforesaid, any moneys which may at any time be in the treasury, and which may not, in the opinion of said auditor and treasurer, be required within six months thereafter for the payment of appropriations; and any sum so loaned shall be replaced out of accruing revenues applicable to the payment of interest.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

March 13, 1845.

AN ACT

To amend the act entitled "An act to amend an act for the support and better regulation of Common Schools, and to create permanently the office of Superintendent," passed March 29, 1841.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the fourth section of the act to which this is an amendment shall not be so construed as to prevent the trustees from laying off school districts composed of parts of two or more townships where said townships are adjacent, but being in different counties, and they are hereby authorized to lay off such district in the same manner as if the townships lay in the same county.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

SECRETARY OF STATE'S OFFICE,
COLUMBUS, OHIO, April 15, 1845.

I hereby certify that the foregoing acts are true copies of
the original rolls on file in this department.

SAMUEL GALLOWAY,
Secretary of State.

INDEX TO GENERAL LAWS.

ACTS REVIVED.

Page.

To revive certain acts in relation to judgments, executions, &c.. 76

APPORTIONMENT.

Amending the act to divide the State into Congressional Districts... 96

APPROPRIATIONS.

Making appropriations for 1845 129

ASSESSMENT.

To provide for a correct and equal assessment of money and capital,
for taxation..... 109

AUDITORS.

County—to amend the act prescribing the duties of..... 123

BANKS AND BANKERS.

To incorporate the State Bank of Ohio, and other banking com-
panies..... 24

To regulate judicial proceedings where banks and bankers are par-
ties..... 67

To declare the rights of banks incorporated by other governments
to sue in the courts of this state 88

To prohibit unauthorized banking, and the circulation of unauthor-
ized bank paper..... 121

BROKERS.

To tax money brokers..... 104

CANAL COMPANIES.

To prevent canal companies from drawing off water at certain
periods 17

CANAL FUND COMMISSIONERS.

To appoint commissioners to examine the books, &c. of	Page. 97
---	-------------

CANNON.

To prevent the firing of, on public streets and highways	17
--	----

CHANCERY.

To amend an act directing the mode of proceeding in,	71
Further to amend the same	125

CIVIL CASES.

Duties of Justices of the Peace and Constables in—an act to revive certain acts therein named	76
---	----

COMMON SCHOOLS.

See SCHOOLS.

COSTS.

To amend an act regulating the taxation and collection of,	120
--	-----

CONGRESSIONAL DISTRICTS.

See APPORTIONMENT	96
-------------------------	----

CONSTABLES.

Amending an act concerning powers and duties of, &c., in criminal cases	63
In civil cases—See ACTS REVIVED	76

COUNTY SEATS.

See SEATS OF JUSTICE	19
----------------------------	----

COUNTY AUDITORS.

See AUDITORS	123
--------------------	-----

COUNTY COMMISSIONERS.

To authorize County Commissioners to melt, mutilate, and sell counterfeit coin, and counterfeiting implements	16
---	----

COUNTY TREASURERS.

See TREASURERS	3
----------------------	---

CONVICTS.

	Page.
Insane, to provide for the safe keeping of	73

COURTS.

To regulate judicial courts and the practice thereof	80
To amend an act amending the act to regulate the practice of, passed March 8, 1831	114
Fixing the times of holding the Supreme Court	9
Amending the same	99
Creating the sixteenth judicial circuit, &c.—See JUDICIAL CIRCUITS.	
Fixing the times of holding the Court of Common Pleas	11
Amending the same	15
Further amending the same	15
Further amending the same	18
Further amending the same	99
Fixing the times of holding the Court of Common Pleas in Delaware county	22
Amending the act to establish a Superior Court in the City of Cincinnati	59
Authorizing the Court of Common Pleas of Franklin county to hold special sessions, and fixing the time for holding Courts of Common Pleas in Clark county	64
Providing for an additional term of the Court of Common Pleas in the county of Allen	71
Attaching the county of Defiance to the sixteenth circuit, and fix the times of holding the Court of Common Pleas therein	102
Amending the same	120

COUNTERFEIT COIN.

See COUNTY COMMISSIONERS	16
--------------------------------	----

CRIMINAL CASES.

See JUSTICES OF THE PEACE, and CONSTABLES	63
---	----

ELECTIONS.

To prevent frauds at, and provide for registering the names of electors	116
---	-----

ESTATES OF DECEASED PERSONS.

Settlement of, in addition to the act to provide for	20
--	----

FIRE COMPANIES.

Explanatory of an act to encourage the organization of	69
--	----

FORFEITED LANDS.

To amend the acts in relation to the sale of	124
--	-----

FORCIBLE ENTRY AND DETAINER.

To amend the several acts now in force in relation to.....	Page. 7
--	------------

FRUIT TREES.

To punish the destruction of, &c	128
--	-----

IDIOTS AND INSANE PERSONS.

Amending the act to provide for the safe keeping of.....	74
--	----

ILLEGITIMATE CHILDREN.

In addition to the act providing for the support of.....	65
--	----

JAIL.

See OFFENCES.....	79
-------------------	----

JUDGMENTS AND EXECUTIONS.

An act to revive certain acts therein named	76
---	----

JUDICIAL CIRCUITS.

To create the sixteenth judicial circuit, and alter certain other judicial circuits	21
Attaching county of Defiance to sixteenth judicial circuit.....	102

JUSTICES OF THE PEACE.

Amending an act concerning the powers and duties of, &c., in criminal cases	63
In civil cases—see ACTS REVIVED.....	76

JURIES.

Before Justices of the Peace—amending the act to allow.....	57
---	----

LIBRARY.

Of State—to regulate	58
----------------------------	----

LICENSE.

See TAVERNS.

LUNATICS.

See IDIOTS.....	74
-----------------	----

MERIDIAN.

See TRUE MERIDIAN.....	75
18—G. L.	

MILITIA.

	Page.
Amending the act to regulate	23
Dividing the third brigade in the sixteenth division	8
Changing the law to divide the first and second brigade in the first division	74

NATIONAL ROAD.

To amend an act for the preservation and repair of.	89
To amend the above act	100

OFFENCES.

To provide more effectually for the punishment of.	79
---	----

PAUPERS.

To prevent the bringing into the State of paupers having no settlement therein.	77
--	----

POORHOUSES.

Amending the act to authorize the establishment of	100
--	-----

PROSECUTIONS.

For certain offences, &c., limited	6
--	---

PUBLIC BUILDINGS.

To provide stone for	126
----------------------------	-----

PUBLIC PRINTING.

To provide for	82
To regulate the manner and form of execution of printing ordered by the General Assembly.	4
To provide for the printing of Ohio Reports	4

PUBLIC WORKS.

To appoint commissioners to examine the books, &c., of the Board of	55
Amending the act to revive the Board of, and various other acts.	60

RAILROADS.

An act for the protection of	92
------------------------------------	----

REPORTS, OHIO.

See PUBLIC PRINTING.	4
---------------------------	---

ROADS.

	Page.
State and County—an act in relation to.....	95
Amending an act relating to roads and highways, and supervisors..	8

QUO WARRANTO.

To amend an act relating to.....	94
----------------------------------	----

SCHOOLS.

Common—Amending an act for the support, &c., of	132
Amending the 6th section of the same.....	98

SCHOOL LANDS.

To fix the minimum price of.....	58
----------------------------------	----

SEATS OF JUSTICE.

To amend an act establishing.....	19
-----------------------------------	----

SHERIFFS.

Authorized to administer oaths in certain cases	87
---	----

SOCIETIES.

Literary and other—to regulate	70
--------------------------------------	----

STATE PRINTING.

See PUBLIC PRINTING.

SUPERVISORS.

Amending an act relating to, &c.....	8
--------------------------------------	---

SURPLUS REVENUE.

To amend an act providing for the distribution and investment of..	69
Borrowers of—for the relief of	72
Further amending the act in relation to the distribution of, &c.....	77

TAVERNS.

To amend an act granting licenses, &c.....	8
--	---

TAXES.

To amend the act pointing out the mode of levying	103
Assessment of—See ASSESSMENT	109

TOWNSHIPS.

To amend the act to provide for the incorporation of.....	Page. 20
---	-------------

TREASURERS.

Amending an act to amend an act defining the duties of County Treasurers.....	3
--	---

TRUE MERIDIAN.

Lines of—To authorize the establishment of	75
--	----

TURNPIKES.

Free—To provide for laying out and establishing.....	106
Amending the act to provide for the regulation of turnpike compa- nies	101

WATERPOWER.

For the relief of lessees and assignees of waterpower in this State .	68
---	----

WILLS.

To amend the act relating to.. ..	66
-----------------------------------	----

WRECKMASTERS.

In addition to the act to provide for the appointment, and define the duties of	54
--	----

**TITLES OF THE ACTS OF A LOCAL NATURE,
PASSED BY THE FORTY THIRD GENERAL ASSEMBLY,
TOGETHER WITH THE DATE OF THEIR PASSAGE.**

ACADEMICAL INSTITUTIONS.

	Page.
To incorporate the Tallmadge Academical Institute, of Tallmadge, in the county of Summit, passed January 9, 1845.....	12
To incorporate the Bedford Seminary, in Cuyahoga county, passed January 15, 1845	16
To incorporate the Cincinnati Classical Academy, passed January 23, 1845.....	39
To incorporate the Trustees of the Columbus Academical and Collegiate Institute, passed February 6, 1845.....	65
To incorporate the Aurora Academical Institution, in the county of Portage, passed February 10, 1845.....	75
To incorporate the Cooper Female Academy, in Dayton, passed February 10, 1845.....	87
To incorporate the Akron Institute, passed February 10, 1845....	89
To incorporate the Jackson Academy, in the county of Jackson, passed February 18, 1845.....	98
To incorporate the Vermillion Institute, passed March 4, 1845.	229
To incorporate the Findlay Academical Institute, of the county of Hancock, passed March 4, 1845	203
To incorporate the Cottage Hill Academy in Ellsworth, in the county of Trumbull, passed March 8, 1845.....	289
To incorporate the Rocky River Seminary, passed February 26, 1845	121
To incorporate the Normal High School, of Carroll county, passed March 8, 1845.....	292
To incorporate the London Academy, in the county of Madison, passed March 12, 1845	384
To incorporate the West Jefferson Academical Institute, in the county of Madison, passed March 12, 1845.	409

BANKS.

To authorize the trustees of the creditors and stockholders of the Bank of Geauga to distribute its judgments and choses in action, and to authorize the distributees to use the name of the trustees and to collect the same, passed March 10, 1845.....	343
To authorize William Lewis, trustee of the Mechanics' and Traders Bank of Cincinnati to commence and prosecute suits against the debtors of said bank, passed March 8, 1845.....	308
For the relief of the creditors of the Granville Alexandrian Society, and to enable said society to collect and pay its debts, passed March 8, 1845.....	311

BRIDGES.

Authorizing the board of directors of the Steubenville, Cadiz and Cambridge Macadamized road company to relinquish to the commissioners of Jefferson county the right of way for a bridge over Cross creek, passed December 26, 1844.....	5
To amend the charter of the Miami Bridge Company, passed February 20, 1816, passed March 10, 1845.....	351
To amend the act entitled "an act to authorize Levi Whipple and others to erect a tollbridge over the Muskingum river," and the act entitled "an act to authorize Moses Dillon and his associates to erect a tollbridge over the Muskingum river," passed March 4, 1845.....	200
To incorporate the Butler county tollbridge company, passed March 6, 1845.....	238
To authorize the counties of Pickaway and Franklin to build a bridge across Big Walnut Creek, passed March 12, 1845.....	396
To incorporate the Blanchard River Bridge Commissioners, No. 2, passed March 8, 1845.....	294

CANALS.

To amend the act entitled "an act to amend the act to incorporate the Perrysburg Canal and Hydraulic Company," passed December 24, 1840, passed January 21, 1845	32
Further to amend the act entitled "an act incorporating the Milan Canal Company," passed January 24, 1827, passed March 8, 1845	295
To amend the act entitled "an act to incorporate the Cincinnati and Whitewater Canal Company, passed February 27, 1845.....	159

CEMETERIES.

To amend an act entitled an act to incorporate the German Protestant Cemetery, of Cincinnati, passed December 26, 1844.....	5
To amend an act to incorporate the German Catholic Cemetery, of Cincinnati, passed January 7, 1844.....	7
To incorporate the proprietors of the Cemetery, of Spring Grove, passed January 21, 1845.....	24
To incorporate the proprietors of the Woodland Cemetery, in Greene county, passed February 25, 1845.....	118
To incorporate the Mansfield Cemetery Association, of Richland county, passed March 12, 1845.....	398
To incorporate the First German Protestant Cemetery Association, of Cincinnati, passed February 27, 1845.....	144

CHURCHES.

To amend an act entitled "an act incorporating the First Presbyterian Society, in Cincinnati," passed January 12, 1807, passed January 31, 1845.....	47
To incorporate sundry Churches therein named, passed February 19, 1845	104
To amend an act entitled "an act to incorporate the Welsh Calvinistic Methodist Church, of Cincinnati," passed February 8, 1834, passed February 26, 1845	127

CHURCHES—Continued.

To amend the act to incorporate the First Presbyterian Society, of Birmingham, Erie county, Ohio, passed February 27, 1845	145
To incorporate the Trustees of the Dalton Parsonage of the Methodist Episcopal Church, in Sugarcreek township, Wayne county, Ohio, passed March 4, 1845	188
To amend the act to incorporate the First Presbyterian Church, in Clarksfield, Huron county, passed March 4, 1845	194
To incorporate the Central Presbyterian Congregation, of Cincinnati, passed March 4, 1845	233
To authorize the Trustees of the First Presbyterian Church, of Martinville, in Belmont county, to convey certain real estate, passed March 6, 1845	264
To incorporate the First Presbyterian Church, of Warren, Trumbull county, passed March 10, 1845	341
To incorporate sundry Churches therein named, passed March 13, 1845	423

COLLEGES.

To authorize the Trustees of the Cincinnati College to borrow money to erect college buildings, passed March 11, 1845	376
To amend an act entitled "an act to incorporate the Marietta College," passed December 21, 1844	4
To authorize the establishment of a College of Dental Surgery, passed January 21, 1845	32
To amend the act incorporating the Granville Literary and Theological Institution, passed February 3, 1845	54
To incorporate the Trustees of the Protestant University of the United States, March 10, 1845	338
To incorporate the trustees of the Fort Meigs University, passed February 10, 1845	80
To incorporate the Board of Directors of Wittenberg College, passed March 11, 1845	375

COUNTIES.

To erect the new county of Wyandott, and alter the boundaries of the county of Crawford, February 3, 1844	61
Declaratory of the ninth section of the act to erect the new county of Wyandott, and alter the boundaries of the county of Crawford, March 4, 1845	184
To authorize the Commissioners of Erie county to procure copies of certain records in the county of Huron, passed January 15, 1845	21
To authorize the County Commissioners of Delaware county to alter the boundaries of certain townships in Delaware county, passed January 15, 1845	18
To legalize and confirm a mortgage made by the Trustees of the Monroe Academical Association to the Fund Commissioners of said county, passed February 25, 1845	256
Directing road taxes, when levied in the counties of Monroe and Belmont, to be levied at the March session of the county Commissioners, passed March 12, 1845	411
To authorize the Auditor of Butler county to levy a tax for certain purposes, passed March 11, 1845	364

COUNTIES—Continued.

To amend the act entitled "act to regulate the Fur Trade, in the counties of Sandusky, Ottawa and Lucas, passed February 26, 1845	140
To prevent Nuisances in the county of Cuyahoga, passed February, 26, 1845.....	127
To attach a part of the county of Athens to the county of Hocking, passed March 12, 1845	410
To amend an act entitled an act to improve Fisheries, on Sandusky river, within the counties of Seneca and Sandusky, passed March 10, 1843, passed March 10, 1845.	354
To attach the townships of Homer and Marion, in Athens county, and sections Nos. 5, 6, 12, 29, 30, 35 and 36, in Roxbury township, in the county of Washington, to the county of Morgan, passed March 11, 1845.....	360
To alter the line between the counties of Franklin and Madison, passed March 4, 1845.....	196
To erect the county of Defiance, passed March 4, 1845.....	191
To authorize the Commissioners of Montgomery county to borrow money, passed February 28, 1845.....	210
To provide for the collection and payment of costs in criminal cases, in the counties of Geauga, Portage and Ashtabula, passed March 8, 1845.....	298
To amend the act entitled "an act to provide for the more permanent improvement of roads and highways, in the county of Hamilton, and for other purposes," passed March 6, 1844, passed February 27, 1845	168
To clear Killbuck creek, in the county of Wayne, of timber and other obstructions therein and for other purposes, passed March 6, 1845	240
To authorize Marion and other counties therein named, to subscribe to the capital stock of certain companies to make public improvements, passed March 5, 1845	232
To fix the fees of Gaugers and Inspectors of domestic spirits, in the county of Hamilton, passed March 6, 1845.....	254
To authorize the commissioners of Hardin county to levy an additional tax for road purposes, passed February 26, 1845.....	123
To authorize the county commissioners of Meigs county to borrow money, passed March 1, 1845	147
To attach Kelley's Island to the county of Erie, passed March 8, 1845.....	300
Further to amend the act to provide for the draining of certain ponds, in the county of Butler, passed March 2, 1838, passed February 18, 1845.....	93
To authorize the commissioners of Hancock county to subscribe to the capital stock of the Madriver and Lake Erie Railroad Company, for the purposes herein specified, passed February 19, 1845.....	109
To authorize the commissioners of Clark county to subscribe to the capital stock of the Little Miami Railroad Company, passed February 31, 1845.....	46
To authorize the counties of Pickaway and Franklin to build a bridge across Big Walnut Creek, passed March 12, 1845	396

DIVORCES.

To divorce Aaron Glass from his wife Mary Glass, passed March 10, 1845	312
To divorce Susan M. Swan from her husband Mortimer D. Swan, passed March 11, 1845	385
To divorce Sarah Birch from her husband Squire Birch, passed March 12, 1845	382

FORFEITED LANDS.

To provide for the sale of forfeited lands and lots in Wood county, passed February 18, 1845	100
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FIRE COMPANIES.

To incorporate a Fire Company in the town of Zoar, in the county of Tuscarawas, passed January 11, 1845	16
To amend the act entitled "an act to incorporate the Western Engine and Hose Company, of Cincinnati," passed January 31, 1845	47
To incorporate the Volunteer Hook and Ladder Company, number one, in the town of Miamisburg, Montgomery county, Ohio, passed February 10, 1845	79
To incorporate the Mount Vernon Hook and Ladder Company, passed March 1, 1845	156
To incorporate the Bainbridge Hook and Ladder Company, passed March 6, 1845	245
To incorporate a Hook and Ladder Company in the town of Marysville, in the county of Union, passed March 4, 1845	220
To incorporate the Franklin Fire Engine and Hose Company, of Cincinnati, passed March 8, 1845	310
To incorporate the Chesterville Hook and Ladder Company, passed March 10, 1845	342

INSURANCE COMPANIES.

To amend an act entitled "an act to incorporate the Montgomery County Mutual Fire Insurance Company," passed February 3, 1844, passed December 21, 1844	3
To incorporate the Ravenna Mutual Fire Insurance Company, passed February 19, 1845	134
To incorporate the Mutual Life Insurance Company of Ohio, passed February 19, 1845	105
To amend the act entitled "an act to incorporate the Ohio Mutual Fire Insurance Company," passed March 11, 1843, passed February 25, 1845	130
To incorporate the Merchants' Mutual Safety Insurance Company of Cincinnati, passed March 8, 1845	305
To incorporate the Central Ohio Insurance Company of Licking county, passed March 8, 1845	319
To amend an act entitled "an act to incorporate the Fireman's Insurance Company of Dayton," passed February 23, 1835, passed March 8, 1845	301

LITERARY ASSOCIATIONS.

To incorporate the Young Men's Book Association of West Canaan, in the county of Madison, passed February 3, 1845	61
To incorporate the German Library Association, of Cincinnati, passed February 3, 1845	64
To incorporate the New Carlisle Social Library Company and the Library Association of Harlem, in Carroll county, passed February 10, 1845	68
To incorporate the Tallmadge Library Association, in the county of Summit, passed February 10, 1845	70
To incorporate the Miamisburg Library Association, passed March 6, 1845	274
To incorporate the Linton Library Association, of the county of Coshocton, passed March 12, 1845	389
To incorporate certain literary societies, passed March 11, 1845 . . .	361

LODGES.

To incorporate the Muskingum Lodge, No. 28, of the Independent Order of Odd Fellows, at Zanesville, Ohio, passed March 6, 1845 . . .	255
To incorporate the Master, Wardens and Brethren, of Mansfield Lodge, No. 35, passed February 27, 1845	172
To incorporate the Piqua Lodge, No. 8, of the Independent Order of Odd Fellows, of the State of Ohio, passed February 25, 1845 . . .	142
To incorporate the Master, Wardens and Brethren, of the Washington Lodge, No. 17, of Hamilton, Ohio, passed February 25, 1845 . .	141
To incorporate the Olive Branch Lodge, Lodge, No. 34, of the Independent Order of Odd Fellows, of Newark, Ohio, and other Lodges therein named, [these Lodges are, Mahoning Lodge, No. 29, Warren, Trumbull county; Lafayette Lodge, No. 25, Hillsborough, Highland county.] passed February 26, 1845	123
To amend the act entitled "an act to incorporate the Montgomery Lodge, No. 5, of the Independent Order of Odd Fellows, of Dayton, Ohio," passed February 2, 1840, passed March 1, 1845 . . .	149
To incorporate the Springfield Lodge, No. 33, of the Independent Order of Fellows, at Springfield, Clark county, passed January 27, 1845	42
To incorporate the Minerva Lodge, No. 98, of Free and Accepted Masons, of Miamisburg, in Montgomery county, passed March 11, 1845	361
To incorporate the Central Lodge, No. 23, of the Independent Order of Odd Fellows, of Columbus, Ohio; and Harmony Lodge, No. 14, of the Independent Order of Odd Fellows, at Rossville, Butler county, passed March 12, 1845	380
To authorize the Master and Wardens of Nova Cesarea Harmony Lodge, No. 2, to borrow money, passed March 11, 1845	373
To incorporate the Wayne Lodge, No. 10, of the Independent Order of Odd Fellows, at Dayton, Ohio, passed March 12, 1845	396

MINISTERIAL LANDS.

To authorize the lessees of Section 29, in the original surveyed township No. 3, and range 3, in Butler county, to surrender their leases and receive deeds, passed January 15, 1845	14
To authorize the lessees of Section 29, in township No. 4, in third Range, in Warren county, to surrender their leases, passed January 21, 1845	28
To authorize the lessees of Section No. 29, in township No. 4, in the Second Range, in Warren county, to surrender their leases and take deeds, passed March 12, 1845	406
To authorize the sale of Ministerial Section, No. 29, in Scipio township, in the county of Meigs, passed March 1, 1845,	155
To provide for releasing Ministerial Section 29, and School Section 16, in Homer township, Athens county, passed March 6, 1845 ..	270

MISCELLANEOUS ASSOCIATIONS.

To incorporate the Firemen's General Association, of the city of Cleveland, passed February 19, 1845	110
To incorporate the Cincinnati Firewood Company, passed January 29, 1845	45
To incorporate the trustees and subscribers of the new Orphan's Asylum, for colored children, of Cincinnati, passed February 18, 1845	101
To incorporate the Dayton Hydraulic Company, passed March 1, 1845	148
To incorporate the Dayton Water Company, passed March 1, 1845 ..	152
To incorporate the Dayton Manufacturing Company, passed March 4, 1845	194
To provide for the settlement of the affairs of the Cuyahoga Falls Real Estate Association, passed March 4, 1845	222
To incorporate the German Tailor's Benevolent Society, of Cincinnati, passed February 27, 1845	175
To incorporate the German Tailor's Trades Union, of Cincinnati, passed February 27, 1845	165
To incorporate the Ohio Iron Manufacturing Company, passed March 6, 1845	330
For the incorporation of the Ohio Division, No. 1, of the Sons of Temperance, passed March 6, 1845	261
To incorporate the Royalton Steam Mill Company, in the county of Lucas, passed March 6, 1845	265
To incorporate the New England Society, of Cincinnati, passed March 1, 1845	187
To incorporate the Cincinnati Horticultural Society, passed February 27, 1845	246
To incorporate the Carrollton Band, of Carroll county, passed March 4, 1845	236
To incorporate the German Benevolent Society of Newark, Licking county, passed March 4, 1845	218
To incorporate the East Bronson Burial Ground Society, passed March 4, 1845	198
To amend the act entitled "an act to incorporate the Port Washington Manufacturing Company," passed February 14, 1838, passed March 8, 1845	304

MISCELLANEOUS ASSOCIATIONS—Continued.

Further to amend the act incorporating the Hamilton and Rossville Hydraulic Company, passed March 12, 1845.....	391
To repeal so much of an act to amend an act entitled "an act to incorporate the North Union School Association, of Carroll county," passed March 15, 1837, as relates to the fifth school district, in Union township, and for other purposes, passed March 1, 1845..	213
To explain the act to incorporate the Cincinnati Astronomical Society, passed March 4, 1845.....	215

MEDICAL INSTITUTIONS AND ASSOCIATIONS.

To amend the act entitled "an act to incorporate the Summit county Medical Society," passed March 12, 1844, passed February 25, 1845.....	141
To incorporate the trustees of the Medical Institute of Cincinnati, to be located in Cincinnati, passed March 10, 1845.....	357
To incorporate the Hunterian Society of the Medical Department of the Western Reserve College, passed February 25, 1845.....	130

NEW COUNTIES, SEE COUNTIES.

PLANK ROADS.

To incorporate the Huron Plank Road Company, passed February 19, 1845.....	111
To incorporate the Milan and Richland Plank Road Company, passed January 31, 1845.....	49
To incorporate the Newark Plank Road Company, passed March 6, 1845.....	268
To incorporate the Wooster, Medina and Cuyahoga Plank Road Company, passed February 25, 1845.....	157
To incorporate the Millersburg and Wooster Plank Road Company, passed March 6, 1845.....	262
To incorporate the Wooster, Harrisville and Cleveland Plank Road Company, passed March 10, 1845.....	332
To incorporate the Black River and Sullivan Plank Road Company, passed March 10, 1845.....	345
To incorporate the Goshen, Blanchester and Martinsville Plank Road Company, passed March 8, 1845.....	317
To amend an act passed January 31, 1845 to incorporate the Milan and Richland Plank Road Company, passed March 11, 1845...	375

PRIVATE PERSONS.

For the relief of Robert W. Russell, of Cincinnati, passed January 15, 1845.....	20
To authorize certain investments of the fund bequeathed by Mrs. Eunice Buckingham, late of Putnam, in the county of Muskingum, deceased, for the purpose of female education, passed January 29, 1845.....	42
For the relief of Grandison Newell, and others, passed February 10, 1845.....	67

PRIVATE PERSONS—Continued.

For the relief Jas. Wolcott, of Maumee City, passed February 3, 1845	66
To authorize Eliza Holgate to convey real estate for her children, passed March 4, 1845	191
To authorize Robert Noffsinger to construct a dam across the Tuscarawas river, in Tuscarawas county, passed February 19, 1845	115
For the relief of James Blair, passed February 20, 1845	144
To enable the heirs of Martha C. Dudley, to convey certain real estate, passed January 21, 1845	28
For the relief of Isaac Vail, late Sheriff of Belmont county, passed March 20, 1845	337
For the relief of Peter Bailey, of Perry county, passed March 13, 1845	427
For the relief of Matthew Nichol, passed March 12, 1845	400
For the relief of Rowland Rees, passed March 11, 1845	367
For the relief of Wm. H. Beard, of Muskingum county, Ohio, passed March 11, 1845	393
For the relief of Robert W. Mitchell, passed March 12, 1845	395
For the relief of the sureties of Wm. Dawson, as Treasurer of Williams county, passed March 12, 1845	402
Authorizing the personal representatives of Micajah T. Williams, late of Hamilton county, deceased, to complete the contracts of said Williams, made in his lifetime, relative to real estate, and for other purposes, passed March 6, 1845	247
To change the name of Margaret Beckett, and Tamson Lavinia Beckett, passed February 25, 1845	94
For the relief of Jonathan D. Shultz, of Townsend township, in the county of Sandusky, passed March 6, 1845	255
For the relief of Lewis Watson, passed February, 28, 1845	143
To confirm the title of John Webster and his assigns, to the east half of the northeast quarter of section number twenty seven, in township number ten, of range number five, east, in the county of Shelby, passed March 1, 1854	150
For the relief of David Witherow, passed March 11, 1845	363
To authorize the executors of Thos. S. Perkins, deceased, to sell and convey certain lands, passed March 11, 1845	366
To authorize the Governor to make a certain Deed, passed February 18, 1845	99

RAILROADS.

To revive and amend an act entitled "an act to incorporate the Columbus, Delaware, Marion and Sandusky Railroad Company," passed February 8, 1832, passed January 21, 1845	33
Further to amend an act and the amendatory acts, to incorporate the Sandusky, Toledo and Michigan City Railroad Company, passed January 23, 1845	40
To incorporate the Canton and Akron Railroad Company, passed February 25, 1845	131
To authorize certain railroad companies herein named, to borrow money. [Madriver and Lake Erie, and Little Miami,] passed March 1, 1845	146
To incorporate the Wilmington and Toddsfork Railroad Company, passed March 6, 1845	241
To amend the act entitled "an act to incorporate the Wayne and Summit Railroad Company." passed March 6, 1845	266

RAILROADS—Continued.

To incorporate the Cleveland and Hudson Railroad Company, passed March 4, 1845	225
To incorporate the Dayton and Little Miami Railroad Company, passed March 4, 1845.....	208
To authorize the Little Miami Railroad Company to locate the line of said railroad between Xenia, in Greene county, and Springfield, in Clark county, on the most suitable and practicable route, passed March 4, 1845	233
To authorize an extension of the capital of the Mansfield and Sandusky City Railroad Company, and for other purposes, passed March 6, 1845	274
To incorporate the Madriver and Great Miami Railroad Company, passed March 6, 1845.....	249
To incorporate the Belpre and Cincinnati Railroad Company, passed March 8, 1845	280
To revive and amend the act entitled "an act to incorporate the Columbus, Delaware, Marion and Upper Sandusky Railroad Company," passed March 8, 1845.....	300
To amend the act entitled "an act to incorporate the Columbus and Xenia Railroad Company," passed March 12, 1844, passed March 8, 1845.....	309
To revive and amend the act entitled "an act to incorporate the Cleveland and Pittsburg Railroad Company," passed March 14, 1836, passed March, 11 1845.....	401
To incorporate the Columbus and Lake Erie Railroad Company, passed March 12, 1845	415
To incorporate the Franklin and Ohio River Railroad Company, passed March 12, 1845.....	419
To revive the act entitled "an act to incorporate the Venice and Margaretta Railroad Company, passed March 12, 1845.....	381
To revive the act entitled "an act to incorporate the Cleveland, Columbus and Cincinnati Railroad Company, passed March 12, 1845.....	405

RELIGIOUS ASSOCIATIONS.

To incorporate the Calvinistic Book Concern, passed January 11, 1845.....	15
To incorporate the Ohio Baptist Book and Tract Society, passed February 3, 1845.....	56
To incorporate the Ohio Baptist Education Society, passed February 10, 1845.....	86
To incorporate the Putnam Union Sunday School Depository, in Muskingum county, passed March 4, 1845.....	205

SAVINGS INSTITUTIONS.

To amend the act entitled "an act to incorporate the Cincinnati Savings Institution," passed January 29, 1845	43
To amend the act entitled "an act to incorporate the Mechanics' Savings Institution, of Columbus, Ohio," passed March 17, 1838, passed March 6, 1845	253
To repeal the act amending the act incorporating the Cincinnati Savings Institution, passed January 29, 1845, passed March 12, 1845.....	384

SCHOOLS.

For the relief of the Mount Pleasant Boarding School, passed March 12, 1845.....	398
For the support and better regulation of Common Schools, in the city of Columbus, passed February 3, 1845.....	57
To incorporate the Vermillion Institute, passed March 4, 1845.....	229
To regulate Common Schools in the township of Portland, in the county of Erie, passed March 6, 1845.....	285
To incorporate the Cottage Hill Academy, in Ellsworth, in the county of Trumbull, passed March 8, 1845.....	289
To incorporate the Normal High School, of Carroll county, passed March 8, 1845.....	292
For the relief of School District No. 10, in Sugarcreek township, Greene county, passed March 10, 1845.....	334
To incorporate the London Academy, in the county of Madison, passed March 12, 1845.....	384
To incorporate the West Jefferson Academical Institute, in the county of Madison, passed March 12, 1845.....	409

SCHOOL LANDS.

To authorize the trustees of Liberty township, in the county of Seneca, to lease school section 16, in said township, passed January 9, 1845.....	12
To authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools for the township of Liberty, in Fairfield county, and the townships of Harrison and Union, in the county of Licking, passed January 21, 1845.....	30
To authorize the sale of school section No. 16, of township 7, north, range 8, east, in Swancreek township, in the county of Lucas, passed January 23, 1845 ..	39
To authorize the trustees of the original surveyed township No. 3, in the 11th range, in Meigs county, to lease, permanently, certain school lands in the counties of Athens and Meigs, passed January 23, 1845.....	38
To authorize the sale of school section No. 16, township 9, south, range 4, east, in Amboy township, in the county of Lucas, passed January 27, 1845	41
To authorize the sale of the west half of section 20, township 18, range 20, lying in Congress township, Richland county, belonging to fractional township No. 14, range 21, in the county of Marion, for the use of schools in said fractional township, passed January 31, 1845.....	48
To amend an act entitled "an act to authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools, for the township of Liberty, Fairfield county, and the townships of Harrison and Union, in the county of Licking," passed January 21, 1845, passed March 6, 1845.....	236
To authorize the treasurer of Wood county to buy in, for the State of Ohio, certain lots of land, in school section 16, in township 1, in the Twelve Mile Reserve, in Lucas county, passed February 27, 1845....	176

SCHOOL LANDS—*Continued.*

To authorize the sale of school section 16, in township 21, range 20, in Richland county, belonging to a fractional part of Sugarcreek township, Stark county, for school purposes, passed March 3, 1845	224
To authorize the sale of the southwest quarter of section 10, township 21, and range 20, and the southeast quarter of section 9, township 21, and range 20, belonging to a fractional part of Saltcreek township, in Holmes county, for school purposes, passed March 4, 1845	221
To authorize the sale of school section 16, in the original surveyed township 14, of range 14, in the counties of Perry, Morgan and Muskingum, passed March 4, 1845	205
To authorize the sale of school section 16, in Sugarcreek township, in the county of Putnam, passed February 28, 1845	169
To authorize the sale of school section No. 16, Townsend township, in the county of Sandusky, passed February 18, 1845	115
To authorize the sale of school section No. 16, in Milford township, in the county of Williams, passed February 18, 1845	99
To authorize the sale of school section 16, in township 7, north, range 4, east, in Brady township, in the county of Williams, passed February 25, 1845	140
To authorize the sale of school section 16, in township 5, range 15, in Sandusky township, in Sandusky county, passed February 26, 1845	126
To enable Amos Dye and Charles Atkinson, to surrender their leases to certain school lands, passed February 26, 1845	120
To amend an act entitled "an act to authorize the revaluation of school section 16, in Riley township, Sandusky county, and to authorize the lessees to surrender their leases, and receive deeds of purchase," passed March 26, 1841, passed March 1, 1845	146
To authorize the sale of school section 16, in Greene township, Hamilton county, Ohio, passed February 28, 1845	143
To provide for releasing Ministerial section 29, and school section 16, in Homer township, Athens county, passed March 6, 1845	270
To authorize the sale of school section No. 16, township 7, north, range 5, east, in German township, in the county of Lucas, passed February 28, 1845	170
To authorize the sale of the southwest quarter of section No. 11, township No. 21, and range No. 20, belonging to a fractional part of Paint township, in Holmes county, for school purposes, passed March 8, 1845	325
To authorize the sale of school section 16, in Pulaski township, in the county of Williams, and for the sale of section 16, of original surveyed township No. 15, in Washington township, Marion county, March 10, 1845	357
To authorize the lessees of school section 16, in Perry township, Gallia county, to surrender their leases and receive deeds, passed March 11, 1845	367
To amend the act to authorize the sale of school section 16, in the township of Chatfield, Crawford county, passed March 5, 1842, passed March 12, 1845	407
To authorize the trustees of original surveyed township 5, in range 4, of the county of Belmont, to lease a part of section 16, in said township, passed March 12, 1845	397

SCHOOL LANDS—*Continued.*

To authorize the sale of section 16, in township 5, south, range 3, east, in Centre township, in Mercer county, passed January 15, 1845.....	18
To authorize the sale of section 16, in Blanchard township, Putnam county, and to legalize certain proceedings of the trustees of said township, passed January 7, 1845.....	9
To authorize the sale of section 16, in Tiffin township, Williams county, passed February 18, 1845.....	92
To authorize the sale of section 16, Riley township, Putnam county, and to legalize certain proceedings of the trustees of said township, passed January 15, 1845.....	22
To authorize the sale of the northeast quarter of section 16, in township 4, range 5, in Monroe county, passed March 10, 1845.....	343
To authorize the sale of section 16, in Washington township, Allen county, passed February 26, 1845.....	124
To authorize the sale of section 16, in 5th township, and 5th range, in Monroe county, passed March 11, 1845.....	364
To authorize the lessees of section 16, township 4, range 17, in York township, in the county of Sandusky, to surrender their leases and take deeds, February 26, 1845.....	125
To authorize the sale of school section 16, in township 4, north, range 3, east, in Delaware township, in the county of Williams, passed February 25, 1845.....	256
To amend the act entitled "an act to authorize the sale of the northeast quarter of Section 8, in township 3, of range 12, in Meigs county," passed March 5, 1844, passed March 10, 1845.....	344
To authorize the reappraisal of the west half of the southwest quarter of Section No. 15, in township No. 16, range 18, Refugee tract, lying and being in the county of Fairfield, passed March 11, 1845.....	372
To amend the act, passed February 26, 1840, entitled "an act to authorize the sale of the northwest quarter of Section 27, township 19, range 18; and the northwest quarter of Section 32, of township 19, range 19; and the southeast quarter of Section 28, of township 19, range 19, in Richland county, belonging to fractional township No. 18, in ranges 18 and 19, in Knox county," passed February 26, 1845.....	128

STATE ROADS.

To change the location of a portion of the state road, leading from Rossville to the mouth of the Great Miami River, passed December 24, 1844.....	4
To lay out and establish a graded state road, from Harmar, in the county of Washington, by way of Plymouth, in said county, to Athens, in Athens county, passed December 30, 1845.....	6
To authorize the commissioners of Wood county to construct so much of the state road, leading from Perrysburg, in Wood county, to Bucyrus, in Crawford county, commonly called the McCutchen-ville Road, as lies between Indiana Avenue, in said Perrysburg, and the south line of township 5, north, of range 12, in Wood county, and to levy a tax to pay for the same, passed January 31, 1845.....	52

STATE ROADS—*Continued.*

Establishing certain graded state roads in Athens and Meigs counties, passed March 8, 1845.....	294
To provide for the better regulation and improvement of the Moravian state road, from Cadiz, in Harrison county, to Uhrichsville, in Tuscarawas county, passed March 8, 1845.....	297
To revive an act entitled an act to lay out and establish a state road in the counties of Monroe and Washington, passed March 10, 1845.....	344
To provide for the preservation and repair of the road from Columbus to Sandusky City, passed March 12, 1845.....	388
To lay out and establish a state road in the counties of Hardin, Logan and Shelby, passed March 12, 1845.....	389
To lay out and establish a state road in the counties of Henry and Paulding, passed February 10, 1845.....	70
To lay out and establish a state road in the counties of Coshocton and Knox, February 18, 1845.....	100
To lay out and establish a state road in the counties of Vanwert and Paulding, passed February 26, 1845.....	126
To lay out and establish a state road in the counties of Wayne and Summit, passed February 26, 1845.....	129
To amend the act entitled "an act creating a commissioner for the graded state road leading from Chandlersville in Muskingnm county, through Morgan county to Coal Run, in Washington county," passed December 30, 1843, February 25, 1845.....	166
To lay out and establish a graded state road in the counties of Washington, Athens and Meigs, passed March 6, 1845.....	275
To amend an act entitled "an act to lay out a state road in the counties of Franklin and Fairfield, and to extend the state road heretofore established on the line between the counties of Fairfield and Pickaway, and Fairfield and Franklin," passed March 11, 1843, passed March 4, 1845.....	231
To provide for the repair of the state road leading from Greenville in Darke county, to Recovery in Mercer county, and thence to Willshire in Vanwert county, and for other purposes, passed March 4, 1844.....	219
To provide for the better improvement of the Lima and Findlay state road, passed February 28, 1845.....	177
To lay out establish a state road in the counties of Holmes and Wayne, passed February 27, 1845.....	169
To lay out and establish a state road in the counties of Pickaway and Ross, passed February 26, 1845.....	128
To impose additional taxes for the benefit of certain roads therein named, passed March 11, 1845.....	372

TOWNS.

To amend an act to incorporate the town of Moorfield, in Harrison county, passed March 16, 1838, passed January 16, 1845....	21
To amend an act entitled "an act to incorporate the city of Cleveland," passed December 21, 1844.....	3
To incorporate the town of Dublin, in the county of Franklin, passed January 31, 1845.....	48

TOWNS—*Continued.*

To extend the corporate limits of the town of Sidney, in Shelby county, passed February 3, 1845.....	54
To incorporate the town of Midway, in the county of Madison; the town of Harlem, in Carroll county, and the town of New Madison, in Darke county, passed February 10, 1845.....	69
To incorporate the town of New Westville, in the county of Preble; and the town of Waldo, in the county of Delaware, passed February 10, 1845.....	72
To amend the several acts incorporating the town of Portsmouth, in the county of Scioto, passed February 10, 1845.....	89
Further to amend the act entitled "an act to incorporate the town of Elyria, in the county of Lorain," passed February 25, 1833, passed February 10, 1845.....	73
To amend the act incorporating the town of Cambridge, in the county of Guernsey, passed March 13, 1837, passed February 10, 1845.....	91
Supplementary to an act to incorporate the city of Chillicothe, passed March 14, 1838, passed February 26, 1845.....	122
To amend an act entitled "an act to incorporate the town of Akron, in the county of Portage, passed March 12, 1836, passed February 26, 1845.....	125
To amend the act entitled "an act to incorporate the town of Pekin, in the county of Carroll," passed March 1, 1845.....	154
To amend an act, passed February 26, 1840, entitled "an act to amend an act entitled an act to incorporate the town of Cuyahoga Falls," passed March 5, 1836, passed February 27, 1845.....	145
To incorporate the city of Sandusky, in Erie county, and for other purposes, passed March 6, 1845.....	257
To grant certain powers to the town council of the town of Xenia, passed March 6, 1845.....	267
To amend the act, passed January 20, 1838, entitled "an act to amend the act entitled an act to incorporate the town of Gallipolis, in the county of Gallia," passed February 17, 1808, and the several acts amendatory to the same, and to alter the corporate limits of said town, passed March 6, 1845.....	329
To repeal the act entitled "an act to repeal the charter of the town of Findlay," passed March 13, 1843, and to declare in force the act incorporating said town, passed March 17, 1838, passed March 4, 1845.....	195
Supplementary to the act entitled "an act further to amend the act entitled an act to incorporate the town of Portsmouth, in the county of Scioto," passed March 16, 1838, passed March 4, 1845....	173
To incorporate the town of Mt. Vernon, in Knox county, passed February 26, 1845.....	160
To amend an act defining the limits of the corporation of the town of Zanesville, passed January 26, 1818, passed March 4, 1845..	223
To amend the act entitled "an act to incorporate the town of Millersburg, in Holmes county," passed February 17, 1835, passed February 28, 1845.....	182
To authorize the mayor and town council of the town of Piqua, in Miami county, to cause the lots in said town to be renumbered, passed February 27, 1845.....	170
To amend an act to incorporate the town of Huron, now of the county of Erie, passed March 8, 1845.....	296

TOWNS—Continued.

To amend the act to incorporate the town of Warren, in the county of Trumbull, passed March 8, 1845.....	313
To amend an act entitled an act to incorporate and establish the city of Dayton, passed March 27, 1841, passed March 10, 1845.....	340
To amend the act entitled an act to incorporate the town of Germantown, in the county of Montgomery, passed March 10, 1845.....	351
To amend the act entitled an act to incorporate the city of Toledo, passed January 7, 1837, passed March 10, 1845.....	350
To amend the act entitled an act to incorporate town of Perrysburg, passed February 9, 1833, and the several acts amendatory thereto, passed March 10, 1845.....	342
To authorize the corporation of the town of Portsmouth, Scioto county, to grant licenses, passed March 10, 1845.....	352
To authorize the city of Cleveland to appoint inspectors of provisions and other articles, passed February 10, 1845.....	83
To reduce the territorial limits of the corporation of Middlebury, in the county of Summit, passed February 10, 1845.....	86
To authorize the city of Cincinnati to erect a house of correction, passed March 12, 1845.....	393
To change the name of Tylerville, in Greene county, passed March 11, 1845.....	360
To divide the town of Hudson, in the county of Summit, into two school districts, passed March 11, 1845.....	368
To attach a certain territory to the city of Columbus, for school purposes, passed March 12, 1845.....	404
Supplementary to an act to increase the number of trustees and directors of common schools, in the city of Cincinnati, and for other purposes, passed March 7, 1837, passed March 12, 1845.....	413
For the more effectual relief of the poor, in the city of Cincinnati, passed February 27, 1845.....	166
To authorize the town council of the town of Perrysburg, to subscribe to the capital stock of the Perrysburg canal and Hydraulic company, and to levy a tax to pay the annual interest, and for the final redemption of bonds so issued, passed February 26, 1845....	133
To authorize the common council of the town of Piqua to appoint an inspector of flour and whisky, passed March 8, 1845.....	291
To incorporate the town of Marysville, in the county of Union, and to repeal all acts now in force in relation thereto, passed March 11, 1845.....	369
To amend an act to incorporate and establish the city of Cincinnati, and for revising all laws and parts of laws heretofore enacted on that subject, passed March 1, 1834, and also to amend all subsequent acts which may conflict with this act, passed March 11, 1845.....	355
To authorize the town of Painesville, and the town of Norwalk, to levy a tax for the benefit of common schools therein, passed March 12, 1845.....	379
To amend the act entitled an act to incorporate the town of New Philadelphia, passed February 12, 1833, passed March 12, 1845.....	392
To authorize the city of Cleveland to subscribe to stock in a plank road from Cleveland to Wooster, passed March 12, 1845....	403
To incorporate the towns therein named, passed 12, 1845.....	412

TOWNSHIPS.

To amend the act entitled an act to establish grades and enforce the paving and McAdamizing of streets, roads, lanes and alleys, in the southern part of Millcreek township, Hamilton county, Ohio, passed March 6, 1844, passed March 11, 1845.....	382
To amend an act entitled "an act to amend the act entitled an act to divide the township of Millcreek, in the county of Hamilton, into election districts," passed March 4, 1844, passed March 6, 1844..	239
For the relief of the township of Hocking, in the county of Fairfield, passed March 10, 1845.....	353
To authorize the trustees of the township of Brooklyn, in Cuyahoga county, to erect a poorhouse, passed March 4, 1845.....	199
To abolish the offices of trustee and treasurer of the sixth original surveyed township, in the ninth range, in Morgan county, passed February 26, 1845.....	142
To authorize the county commissioners of Delaware county to alter the boundaries of certain townships in Delaware county, passed January 15, 1845	18
To divide the township of Scioto, in Ross county, into two election districts, passed March 8, 1845.....	293

TURNPIKES.

To incorporate the Millville, Reily and Milton turnpike company, passed January 7, 1845.....	7
To amend an act entitled "an act to incorporate the Dayton and Madriver Valley turnpike road company," passed February 15, 1844, passed December 30, 1844	6
To amend the charter of the Marietta and Newport turnpike road and bridge company, passed January 21, 1845.....	31
To authorize the county commissioners of Wood county to purchase that part of the Perrysburg, Findlay and Kenton turnpike road which lies in Wood county, and to levy a tax to pay for the same, passed January 21, 1845	36
To incorporate the Summerville and Jacksonburg turnpike road company, passed January 21, 1845.....	29
To incorporate the Dayton and Germantown turnpike road company, passed January 21, 1845	34
To incorporate the Hamilton and Jacksonburg turnpike road company, passed February 3, 1845.....	55
To incorporate the Chillicothe and Washington turnpike road company, passed February 10, 1845.....	84
To incorporate the Urbana and Loudonville turnpike road company, passed February 10, 1845.....	71
To incorporate the Butler and Preble county turnpike road company, passed February 10, 1845.....	81
To amend the act entitled "an act to incorporate the Oxford and College Corner turnpike road company," passed January 29, 1844, passed February 10, 1845.....	68
To amend the act entitled "an act to incorporate the Trumbull and Ashtabula turnpike road company," passed February 10, 1845	90
To incorporate the Madriver, Urbana and Kenton turnpike road company, passed February 18, 1845.....	94

TURNPIKES—Continued.

To amend the act entitled "an act to incorporate the Troy and Stillwater turnpike road company, passed February 18, 1845	92
To incorporate the Amanda and Miltonville turnpike road and bridge company, passed February 18, 1845	96
To incorporate the West Alexandria and Euphemia turnpike road company, passed February 19, 1845	103
To amend the act incorporating the Fairfield, Yellow Springs and Clifton turnpike road company, passed March 1, 1845	155
To amend the act entitled "an act to incorporate the Dayton, Xenia and Washington turnpike road company," passed January 29, 1844, passed March 1, 1845	116
To amend the act entitled "an act to incorporate the Dayton and Germantown turnpike road company," passed March 6, 1845	248
To amend the act entitled "an act to amend the act incorporating the Wayne, Medina and Cuyahoga turnpike company," passed February 19, 1844, passed February 27, 1845	167
To amend the act entitled "an act to incorporate the Maumee and Indiana turnpike road company," passed April 3, 1837, passed March 4, 1845	202
To incorporate the Xenia and Springfield turnpike road company, passed March 4, 1845	221
To incorporate the Greenville and Euphemia turnpike road company, passed March 4, 1845	197
To empower the Goshen, Wilmington and Columbus turnpike company to sell a portion of said turnpike, passed February 28, 1845	174
To amend the act entitled "an act to incorporate the Republic and Bucyrus turnpike road company," passed February 28, 1845	172
To amend the act entitled "an act to incorporate the Columbus, Winchester, Jefferson and Carroll turnpike road company," passed March 25, 1841, passed February 28, 1845	171
To incorporate the Dayton and Xenia turnpike company, passed February 28, 1845	183
To incorporate the Rochester, Osceola and Martinsville turnpike company, passed March 8, 1845	315
To incorporate the Stillwater turnpike road company, passed March 8, 1845	278
To incorporate the Byron, Yellow Springs and Clifton turnpike road company, passed March 8, 1845	302
To incorporate the Columbus and Sandusky turnpike and plank road company, passed March 8, 1845	271
To repeal so much of an act entitled "an act to incorporate the Portsmouth and Columbus turnpike company," passed February 7, 1831, as makes Bloomfield a point on said road, passed March 8, 1845	288
To incorporate the Dayton and Brant turnpike road company, passed March 8, 1845	284
To incorporate the Columbus and Dublin turnpike company, passed March 10, 1845	353
To incorporate the Washington, Jeffersonville and Charleston turnpike company, passed March 10, 1845	350
To amend the charter of the Hamilton, Rossville, Darrrtown, Oxford and Fairhaven turnpike company, passed March 11, 1845	403

TURNPIKES—*Continued.*

To amend an act entitled "an act to incorporate the Dayton and Mad River Valley turnpike road company," passed March 13, 1843, and an act entitled "an act to incorporate the Mad River Valley, Urbana and Kenton turnpike road company," passed the 18th day of February, 1845, passed March 12, 1845.....	374
To incorporate the Princeton, Trenton and Miltonville turnpike road company, passed March 12, 1845.....	390
To amend the act to provide for the improvement of the Western Reserve and Maumee road, passed March 14, 1838, passed March 11, 1845.....	359
To authorize Alfred P. Edgerton to construct a road from Hicksville, in the county of Williams, to the Maumee River, in the county of Paulding, passed January 15, 1845.....	19

TURNPIKES, FREE.

To lay out and establish a free turnpike road in the county of Gallia, passed January 21, 1845.....	22
To lay out and establish a free turnpike road from the Madriver and Lake Erie Railroad, in the county of Hardin, to the county of Vanwert, passed January 9, 1845.....	10
To establish a free turnpike road on the line of the State road from Lower Sandusky, in Sandusky county, to Findlay, in Hancock county, passed February 10, 1845.....	77
To lay out and establish a free turnpike road in the county of Shelby passed March 1, 1845.....	185
To lay out and establish a free turnpike road from Napoleon, in the county of Henry, to Bryan, in the county of Williams, passed March 1, 1845.....	150
To lay out and establish a free turnpike road from the town of Fairhaven, in the county of Gallia, to the town of Jackson, in the county of Jackson, passed February 28, 1845.....	178
To lay out and establish a free turnpike road from Martinstown, in the county of Hancock, through Mt. Blanchard, to Careytown, in the the county of Wyandott, passed March 4, 1845.....	213
To lay out and establish a free turnpike road from Ottawa, in the county of Putnam, to Samuel Myers' mill on the Auglaize river, passed March 4, 1845.....	216
To establish a free turnpike road from Sidney, in Shelby county, to West Liberty, in Logan county, passed March 4, 1845.....	235
To amend an act to lay out and establish a free turnpike road from Lima, in Allen county, to Defiance, in Williams county, passed March 4, 1845.....	237
To lay out and establish a free turnpike road from Columbus Grove, in the county of Putnam, to the Miami Extension Canal, passed March 4, 1845.....	188
To establish a free turnpike road in the counties of Allen and Shelby, passed March 4, 1845.....	208
To lay out and establish a free turnpike road from Kenton, in Hardin county, to a point intersecting the Bellefontaine, Lima and Vanwert free turnpike road, at the farm of James McGinis, passed March 4, 1845.....	211

TURNPIKES, FREE—*Continued.*

To amend the act entitled "an act to establish a free turnpike road from Bellefontaine, in the county of Logan, to the Indiana State line," passed February 28, 1845.....	181
To establish a free turnpike road in the county of Shelby, passed February 27, 1845.....	171
To amend an act entitled "an act to lay out and establish a free turnpike road from Van Buren, in the county of Hancock, to the south line of Lucas county," passed March 5, 1844, passed March 8, 1845.....	290
To lay out and establish a free turnpike road from Ridenour's Mill, in the county of Putnam, to a point near Defiance, in the county of Williams, passed March 8, 1845.....	276
To amend the act to lay out and establish a free turnpike road from Findlay, in Hancock county, to Kalida, in Putnam county, passed March 8, 1845.....	289
To lay out and establish a free turnpike road from Lima, in the county of Allen, to the Miami Extension Canal, in the county of Putnam, passed March 8, 1845.....	286
To amend the act entitled "an act to establish a free turnpike from Columbus, in the county of Franklin, to Bellefontaine, in the county of Logan," passed March 4, 1844; passed March 8, 1845..	286
To lay out and establish a free turnpike road in the counties of Fayette and Madison, passed March 10, 1845	347
To lay out and establish a free turnpike road from Toledo, in Lucas county, to Woodville, in Sandusky county, passed March 10, 1845	326
To lay out and establish a free turnpike road from South Otsego, on the Maumee river, to the north line of the county of Hancock, passed March 10, 1845.....	335
To lay out and establish a free turnpike road from Maumee City to Sylvania, in Lucas county, passed March 11, 1845.....	377
To amend an act entitled "an act to lay out and establish a free turnpike road from Lebanon to Hopkinsville, in Warren county," passed March 11, 1845.....	571
To amend an act entitled "an act to establish a free turnpike road from Ottawa, in the county of Putnam, to the Indiana State line, in the county of Williams," passed March 13, 1843, passed March 12, 1845	407
To amend an act entitled "an act to lay out and establish a free turnpike road from Kalida, in Putnam county, to Napoleon, in Henry county, and to the Michigan State line," passed March 4, 1844, passed March 12, 1845	428
To lay out and establish a free turnpike road from Ottawa, in the county of Putnam, to Napoleon, in the county of Henry, passed March 12, 1845	386

UNIVERSITIES.

To incorporate the Fort Meigs University, passed February 10, 1845	80
To incorporate the trustees of the Protestant University of the United States, passed March 10, 1845	338

RESOLUTIONS.

A

Asylums and Humane Institutions, relative to a grant of lands to	434
Arms of the State destroyed in the dwelling house of A. Ordeway, relative to	439
Adams, John Quincy, rescinding certain resolutions in relation to	444
Auditors, State and County, imposing certain duties on	448

B

Barnett, Hall and Co., and Ellis Ayers, relative to the claim of	454
Blind Asylum, appointing M. J. Gilbert a Trustee of	464
Burdell, William, relative to the contract of	459

C

Claims, providing for the payment of in the general appropriation bill	436
Clermont county, relative to furnishing laws to	438
Convicts, relative to the moral and religious instruction of	446
Certain claims, providing for	449
Clerk U. S. District Court, granting him the use of the State Library	449
Chemical apparatus of the State of Ohio, relative to	460
Chaplains of the General Assembly, resolution of thanks to	457
Claims, to provide for the payment of certain persons therein named	458
Claims, to provide for the payment of certain claims	460

D

Delinquent taxes, authorizing the Treasurer of State to receive, up to a certain period	441
Defiance county, relative to furnishing laws to	447
Defiance county, relative to furnishing a certain law to	450
Donalson and Allen, relative to the claims of	449
Donaldson, Luther, relative to an appropriation to	438
Deaf and Dumb Asylum, appointing directors for	465

F

Fund Commissioners, appointing a committee of investigation	458
---	-----

G

Griswold, Hiram, appointing as Reporter	431
Gaines, Charles K., relative to his admission into the Blind Asylum	432
Goshen, Wilmington and Columbus Turnpike Company, relative to examining the affairs of	451

H

Historical and Philosophical Society of Ohio, granting them the use of certain rooms	432
Huber, Peter, relative to his admission into the Lunatic Asylum.....	439
Historical Society of New York, relative to.....	441
Hocking county, relative to furnishing certain laws to.....	445
Harmar, for constructing culvert, &c., in the town of.....	453

I

Indexes. Directing the Clerks of the two Houses to prepare.....	462
---	-----

J

Judicial Courts. Directing the printing and distributing in advance of a certain law, &c.....	457
---	-----

L

Libraries, &c., relative to furnishing Reports of the U. S. Court to.....	438
Literary Institutions, relative to furnishing certain laws, &c., to (rescinded)	440
Lock No. 20, south of Licking Summit, relative to the location of.....	442
Laws, Journals and Documents, for the preservation of.....	452
Lunatic Asylum, appointing a director of.....	458
Library, relative to.....	463

M

Marine Hospital, at Cleveland, relative to.....	435
Monroe county, relative to furnishing laws to.....	438
Morgan county, relative to furnishing laws to.....	438
Miami University, appointing trustees for	442
Moore, John, relative to the claim of	464

N

Naturalization laws of the United States, in relation to.....	429
National Road, relative to.....	430
National Road, relative to the completion of, in this State.....	434
New York Canals, relative to discriminating tolls on.....	455

O

Oregon Territory, relative to.....	434
Old Penitentiary Lot, relative to.....	442
Oculist for the Blind Asylum, authorizing the employment of an.....	451
Ohio Railroad Company, providing for the sale of the property of.....	461

P

Presidential Elections, in relation to making the time uniform throughout the Union	429
Postage, relative to the reduction of	430
Postage of members, relative to	430

ACTS OF A GENERAL NATURE,
PASSED BY THE
FORTY-FOURTH GENERAL ASSEMBLY
OF THE
STATE OF OHIO,
BEGUN AND HELD IN THE CITY OF COLUMBUS,
DECEMBER 1, 1845,
AND
IN THE FORTY-FOURTH YEAR OF SAID STATE.

VOL. XLIV.

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1846.

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ACTS OF A GENERAL NATURE.

AN ACT

To amend the act entitled "An act to appoint commissioners to examine the books, accounts and proceedings of the Board of Public Works, and for other purposes," passed March 6, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners appointed under the act entitled "an act to appoint commissioners to examine the books, accounts and proceedings of the board of public works, and for other purposes," passed March sixth, one thousand eight hundred and forty-five, are authorized to hold their session, whenever and wherever they shall deem best for the prosecution of their examinations, and shall have power to issue subpoenas to the sheriff, or any constable of the county in which the commissioners may issue the same, or the sheriff or any constable of the county in which the witness for whom it is issued may be, for the attendance of witnesses, at such time and place as shall be therein specified; and it is hereby made the duty of any sheriff or constable, to which a subpoena shall be issued, as aforesaid, to serve the same.

Commissioners authorized to hold sessions at their own discretion;

Empowered to issue subpoenas;

SEC. 2. Any witness refusing to answer any question or questions; which by the usages of courts he would be required to answer, proposed to him by said commissioners, shall be deemed guilty of a contempt, and may be committed to the jail of the county where the commissioners may be in session, there to remain until he shall consent to, and does fairly and fully answer all such questions; and in case of such commitment, a mittimus shall be issued by said commissioners, signed by the president of the board of said commissioners, directed to the jailer of the proper county.

Witnesses may be imprisoned for refusing to testify;

SEC. 3. Any member of the board of said commissioners shall have power, under an order of the said board, to make examinations and to take testimony, and for this purpose such member is authorized to issue subpoenas for witnesses; and in case of any witness thus summoned refusing to attend, or attending and refusing to answer, he shall report the fact to the board of said commissioners, which board may then proceed against such person as though such contempt had been committed in the presence of or against the process of the board of said commissioners.

Any member of the board may issue subpoenas &c.;

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ACTS OF A GENERAL NATURE.

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Commissioners authorized to hold sessions at their own discretion;

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Any member of the board may issue subpoenas &c.;

Pay of witness-
es.

SEC. 4. That witnesses summoned by order of said board of commissioners, shall be allowed the following fees, viz: Those residing out of the county where they may be required to appear, one dollar per day, for each day he or she shall actually attend, under the order of said board, and one dollar for every twenty-five miles traveling to and from said board; and those residing within said county, the sum of seventy-five cents per day for each day's actual attendance at said board, to be paid by said board, if required by any witness, before he or she may be required to testify.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

December 20, 1845.

AN ACT

Fixing the times of holding the Supreme Court for the year one thousand eight hundred and forty-six.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the supreme court shall be held in the several counties of this state, for the year one thousand eight hundred and forty-six, on the days, and at the times hereinafter specified, to wit: Columbiana, Monday, March ninth; Jefferson, Wednesday, March eleventh; Washington, Monday, March sixteenth; Meigs, Wednesday, March eighteenth; Gallia, Friday, March twentieth; Lawrence, Monday, March twenty-third; Scioto, Wednesday, March twenty-fifth; Adams, Monday, March thirtieth; Brown, Wednesday, April first; Clermont, Friday, April third; Hamilton, Thursday, April ninth; Butler, Thursday, May seventh; Warren, Thursday, May fourteenth; Clinton, Saturday, May sixteenth; Highland, Tuesday, May nineteenth; Fayette, Thursday, May twenty-first; Madison, Saturday, May twenty-third; Clarke, Monday, May twenty-fifth; Greene, Tuesday, May twenty-sixth; Montgomery, Friday, May twenty-ninth; Preble, Thursday, June fourth; Darke, Monday, June eighth; Miami, Tuesday, June ninth; Shelby, Friday, June twelfth; Mercer, Monday, June fifteenth; Allen, Wednesday, June seventeenth; Hardin, Thursday, June eighteenth; Logan, Friday, June nineteenth; Champaign, Saturday, June twentieth; Union, Tuesday, June twenty-third; Delaware, Wednesday, June twenty-fourth; Marion, Wednesday, July first; Crawford, Saturday, July fourth; Wyandotte, Monday, July sixth; Seneca, Tuesday, July seventh; Hancock, Thursday, July ninth; Putnam, Saturday, July eleventh; Van-

wert, Wednesday, July fifteenth; Paulding, Thursday, July sixteenth; Defiance, Friday, July seventeenth; Williams, Saturday, July eighteenth; Henry, Monday, July twentieth; Lucas, Tuesday, July twenty-first; Wood, Saturday, July twenty-fifth; Ottawa, Monday, July twenty-seventh; Sandusky, Wednesday, July twenty-ninth; Erie, Friday, July thirty-first; Huron, Wednesday, August fifth; Lorain, Friday, August seventh; Cuyahoga, Friday, August fourteenth; Geauga, Monday, August twenty-fourth; Lake, Tuesday, August twelfth-fifth; Ash-tabula, Tuesday, September first; Trumbull, Monday, September seventh; Portage, Wednesday, September sixteenth; Summit, Wednesday, September twenty-third; Medina, Wednesday, September thirtieth; Wayne, Thursday, October first; Richland, Wednesday, October seventh; Knox, Monday, October twelfth; Licking, Friday, October sixteenth; Coshocton, Saturday, October twenty-fourth; Holmes, Tuesday, October twenty-seventh; Tuscarawas, Monday, November second; Stark, Wednesday, November fourth; Carroll, Friday, November sixth; Harrison, Saturday, November seventh; Belmont, Monday, November ninth; Monroe, Thursday, November twelfth; Guernsey, Saturday, November fourteenth; Muskingum, Tuesday, November seventeenth; Morgan, Friday, November twentieth; Perry, Wednesday, November twenty-fifth; Fairfield, Friday, November twenty-seventh; Hocking, Tuesday, December first; Athens, Wednesday, December second; Jackson, Friday, December fourth; Pike, Monday, December seventh; Ross, Tuesday, December eighth; Pickaway, Saturday, December twelfth; Franklin, Wednesday, December sixteenth; and the court in bank shall be held on Monday, the twenty-first day of December. The act fixing the time of holding the supreme court, passed January twenty-first, one thousand eight hundred and forty-five, and the act amendatory thereto, are repealed, from and after the first day of March, one thousand eight hundred and forty-six.

SEC. 2. The supreme court is authorized, when the business shall require, to continue its term, in any county, beyond the time allowed to said county; and if, from any cause, it shall so happen that said court shall fail to be held in any county, the court may, with the consent of parties, hear and determine any of the issues in such county, in such other convenient county; and said court shall have the same power when there shall not be time, in any county, to dispose of the business of such county, to hear and determine, with the consent of parties, any business, thus undisposed of, in any other convenient county.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

January 2, 1846.

AN ACT

To amend an act entitled "An act to provide for laying out and establishing free turnpike roads," passed March twelfth, one thousand eight hundred and forty-five.

How application for any change in a free turnpike road to be made;

—bond to be given for expenses.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any alteration in the location of any free turnpike road may be required, application shall be made to the commissioners named in the act to which this is an amendment, by petition; from at least twelve freeholders resident in the county in which such alteration is desired, which petition shall describe the proposed alteration; and at least two of said petitioners shall give bond to the commissioners aforesaid, to be approved by them, conditioned for the payment into the county treasury of all expenses incurred in the survey and review of said road, in case the same shall not be relocated, or the proceedings had therein finally confirmed and established.

No review or relocation to be made unless bond is given.

SEC. 2. The commissioners aforesaid shall immediately proceed to review, and, if in their opinion the public good require it, to relocate and re-establish said road; and of their survey and relocation they shall file a copy in the office of the county auditor, as is provided in the act to which this is an amendment: Provided, that no review or relocation shall be made unless the applicants therefor shall give bond to said commissioners, to their acceptance, binding themselves to cause the new route, within three months, to be made, in all respects, in as good condition for travel as the old route.

An appeal may be taken from the act of commissioners to the court of common pleas;

SEC. 3. In case any person or persons interested in the review and relocation of any such turnpike road, shall consider himself or themselves injured by the decision of the commissioners aforesaid, they shall have power, and are hereby authorized to appeal to the commissioners of the county in which such alteration is desired, who shall, at any one of their stated meetings, hear the complaints of the person or persons aforesaid, and examine the returns; and if, in their opinion, the public good requires a further survey and alteration, they shall proceed, as is required by the acts in force relative to review and alteration of state and county roads, and an appeal from the decision of the county commissioners shall be allowed to the court of common pleas, in the manner fixed by law: Provided, that if any other person or persons than the original petitioners shall appeal under the provisions of this section, such person or persons so appealing shall give bond, as is provided in the first section of this act, conditioned for the payment of all costs attending said appeal.

—bond to be given.

SEC. 4. In case an alteration of said road shall be made, and the proceedings finally confirmed, the expenses of such alteration shall be paid out of the funds belonging to said turn-pike road.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

January 2, 1846.

AN ACT

To amend the act to regulate the admission and practice of Attorneys and Counselors at Law.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall not be lawful for any attorney or counsellor at law to ask, demand, or receive, either directly or indirectly, any fee or reward, for procuring, or attempting to procure, the pardon of any person convicted of a crime or offence against the laws of this state.

No fee can lawfully be taken by an attorney, &c., procuring a pardon.

SEC. 2. Any person offending against the provisions of the preceding section, may be proceeded against, under the fourth section of the act to which this is amendatory.

SEC. 3. When any attorney or counsellor at law shall be suspended from practice, under the provisions of this act, or of the act to which it is amendatory, such suspension shall extend to all the courts in this state, whether the judgment shall be pronounced by the supreme court, or the court of common pleas: Provided, that nothing herein contained, shall be construed to take away the right of appeal to the supreme court, secured to the party by the said fourth section of the act to which this is amendatory.

Punishment for violating this statute.

SEC. 4. This act shall take effect on the first day of July next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

January 3, 1846.

AN ACT

Supplementary to the act to incorporate the State Bank of Ohio, and other Banking Companies.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the duties imposed, and the powers conferred by the "act to incorporate the State Bank of Ohio, and other Banking Companies," on the commissioners named in the fifth section of that act, so far as such powers and duties relate to banks, or newly formed banking companies, electing to become branches of the State Bank of Ohio, shall, from after the time of passing this act, devolve upon, and be exercised by the board of control of the State Bank of Ohio.

Duties devolved upon the board of control.

SEC. 2. If, after a careful examination of the condition, and the responsibility of the stockholders and directors of any such bank, or newly formed banking company, the board of control shall be of opinion that its condition is unsound, or that the character of its stockholders or directors, for responsibility and integrity, is such as not to entitle such bank, or banking company, to public confidence, and that the admission of such bank, or banking company, to commence, and carry on banking business, as a branch of the State Bank of Ohio, will jeopardize the safety of the other branches, or of individuals who may deal with such bank, or banking company, said board, or a majority of its members concurring, may refuse to certify to the governor that such bank, or banking company, is entitled to commence, or to carry on the business of banking, and in such case, the board of control shall lay before the bank commissioners first named in the fifth section of the above recited act, (who, for this purpose, shall be continued in office until all the banks authorized by said act shall be organized,) a full statement of all the facts disclosed by such examination, and the reasons which shall have induced said board of control to believe that the admission of such bank, or banking company, will jeopardize the safety of the other branches, or of individuals; and if said commissioners, or a majority of them, shall concur with the board of control, such bank, or banking company, shall not be authorized to commence, or to carry on the business of banking; but if a majority of said commissioners shall be of opinion that such bank, or banking company, is in a sound condition, that its stockholders and directors are entitled to public confidence, and that the requirements of the above recited act, preliminary to the commencement of banking operations under said act, have been, in all respects, complied with, they shall so certify to the governor, who shall govern himself accordingly, as in other cases arising under said act.

The board of control, after examination, may refuse to certify to the governor ability of any company applying for the privilege of banking.

The board of control to present to commissioners a statement of the facts upon which they have refused a certificate.

The commissioners may afterwards give a certificate.

SEC. 3. This act shall take effect and be in force from and after the time the board of control, a majority of said

board concurring, shall file their assent to its provisions with the secretary of state.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

January 6, 1846.

AN ACT

To extend the act entitled "An act to amend the act to provide for the more effectual punishment of certain offences," passed March twelfth, eighteen hundred and forty-five.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the fourth section of an act to amend the act to provide for the more effectual punishment of certain offences, passed March twelfth, eighteen hundred and forty five, be and the same is hereby repealed: Provided, that the provisions of the said amendatory act, of the date aforesaid, shall not extend to and be in force in the counties of Hamilton and Cuyahoga.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

January 13, 1846.

AN ACT

To amend the act entitled "An act to create the office of township assessor," passed March 20, 1841.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the duties of township assessors, for the year one thousand eight hundred and forty-six, in the counties of Ashtabula, Trumbull, Lake, Geauga, Portage, Summit, Cuyahoga, Medina, Lorain, Huron and Erie, shall, unless otherwise provided by law, be performed between the tenth day of March and the tenth day of April; and said assessors shall make returns to their county auditors, on or before the tenth day of April, in said year; and in taking the list of white male inhabitants, lawyers and physicians, in said counties, as specified in the tenth section of an act to create the office of township assessor, passed March twenty, one thousand eight hundred and forty

When the assessors in certain counties named to perform their duty.

one, the assessor shall list such as resided in his township, on the first day of March of said year, and in taking the list of cattle and horses, they shall be taken in the name of the person or persons owning the same, on the first day of March, and in the manner and under the provisions regulated by law, except as to time.

When county auditors to perform their duty.

SEC. 2. County auditors, in the counties named in the first section of this act, shall, unless otherwise provided by law, on the tenth day of March of said year, discharge the duties pointed out in the fifteenth and sixteenth sections of the act named in the first section of this act, and, on the tenth day of April of each year, discharge the duties pointed out in the fourteenth section of said act.

SEC. 3. The township assessors in the counties named in the first section of this act, now in office, shall, unless otherwise provided by law, hold their offices until the eleventh day of April, one thousand eight hundred and forty-six, and until their successors are elected and qualified.

Privileges granted to commissioners in counties above named.

SEC. 4. The commissioners of the counties above named, unless otherwise provided by law, may, at their annual meeting, on the first Monday of March next, fix the per centum to be levied for road purposes, for said year, or, at their option, may hold a special session, at any time by them to be determined, within the month of April next, for that purpose.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

January 13, 1846.

AN ACT

More effectually to prevent Gambling.

Penalty for renting or keeping any room, &c., to be used for gambling.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person shall keep a room, building, arbor, booth, shed, or tenement, to be used or occupied for gambling, or shall knowingly permit the same to be used or occupied for gambling; or if any person, being the owner of any room, building, arbor, booth, shed, or tenement, shall rent the same, to be used or occupied for gambling, the person so offending shall, on conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars; and if the owner of any room, building, arbor, booth, shed, or tenement, shall know that any gaming tables, apparatus, or establishment is kept or used, in such room, building, arbor, booth, shed, or tenement, for gambling and winning, betting or gaining money, or other property, and shall not forthwith cause complaint to be made against the person so keeping or using such room, build-

ing, arbor, booth, shed, or tenement, he shall be taken, held, and considered to have knowingly permitted the same to be used and occupied for gambling.

SEC. 2. If any person shall keep or exhibit any gaming table, establishment, device, or apparatus, to win or gain money, or other property of value, or to aid, assist, or permit others to do the same, or if any person shall engage in gambling for a livelihood, or shall be without any fixed residence, and in the habit or practice of gambling, he shall be deemed and taken to be a common gambler, and upon conviction thereof, shall be imprisoned and kept at hard labor in the penitentiary, not less than one nor more than five years, and be fined five hundred dollars, to be paid into the treasury of the county where such conviction shall take place, for the use of the common schools therein.

What acts shall
subject to im-
prisonment in
penitentiary.

SEC. 3. If an affidavit shall be filed with the magistrate before whom complaint shall be made, of an offence against any provision of this act, stating that the affiant has reason to believe, and does believe, that the person charged in such complaint has, upon his person, or at any other place named in such affidavit, any money, or any specified articles of personal property, or any gaming table, device, or apparatus, the discovery of which might tend to establish the truth of such charge, the said magistrate shall, by his warrant, command the officer who is authorized to arrest the person so charged, to make diligent search for such money or property, and table, device, or apparatus, and, if found, to bring the same before such magistrate; and the officer seizing the same shall retain possession thereof, subject to the order of the magistrate before whom he takes the same, until the discharge or commitment, or letting to bail of the person charged; and in case of such commitment or letting to bail of the person so charged, such officer shall retain such property, subject to the order of the court before which such offender may be required to appear, until his discharge or conviction; and in case of the conviction of such person, the gaming table, device, or apparatus, shall be destroyed, and the money and other property shall be liable to pay any judgment which may be rendered against such person; and in case of the discharge of such person, by the magistrate or court, the officer having such property in his custody shall, on demand, deliver it to such person.

Upon complaint
warrants may
be issued to
arrest offend-
ers.

SEC. 4. If any person called to testify on behalf of the state, before any justice of the peace, grand jury, or court, upon any complaint, information, or indictment, for any offence made punishable by this act, shall disclose any fact tending to criminate himself in any matter made punishable by this act, he shall thereafter be discharged of and from all liability to prosecution or punishment for such matter or offence.

Witnesses pro-
tected.

SEC. 5. It shall be lawful for any justice of the peace, chief magistrate of any municipal incorporation, or judge of any

Upon complaint, warrant issued to seize and possess gambling apparatus, &c.

court of common pleas, upon complaint, on oath, that any gaming table, establishment, apparatus, or device is kept, by any person, for the purpose of being used to win or gain money or other property, by the owner thereof, or any other person, to issue his warrant, commanding any sheriff, constable, or any marshal of any municipal corporation, to whom the same shall be directed, within the proper jurisdiction, after demanding entrance, to break open and enter any house or other place where such gaming establishment, apparatus, or device shall be kept, and to seize and safely keep the same, to be dealt with as herein after provided.

Apparatus to be destroyed, unless appeal is taken and bond given.

SEC. 6. Upon return of said warrant executed, the authority issuing the same shall proceed to examine and inquire touching the said complaint, and if satisfied that the same is true, he shall order the officer so seizing such gaming establishment, apparatus or device, forthwith to destroy the same, which order the said officer shall proceed to execute, in the presence of said authority, unless the person charged as keeper of said gaming establishment, apparatus or device, shall, without delay, enter into recognizance, in the sum of two hundred dollars, with sufficient sureties, to be approved by said authority, for the appeal of said complaint to the court of common pleas, next to be held in the proper county, conditioned that the defendant will appear at the next term of the court to which he appeals, and abide the order of such court, and for the payment of the full amount of the fine and all costs, in case he shall be found guilty of the offence charged, and judgment be rendered against him in said court.

Recognizance to be returned to clerk of court.

SEC. 7. The officer taking such recognizance shall return the same to the clerk of the court to which said appeal is taken, forthwith; and such clerk shall file the same in his office, and the complaint shall be prosecuted in such court by indictment, as in other criminal cases; and upon conviction, the appellant shall be fined not more than fifty dollars, and shall pay the costs of prosecution, and such gaming establishment, apparatus or device, shall be destroyed.

SEC. 8. It shall be the duty of all sheriffs, constables, marshals of incorporated cities, towns, and boroughs, and of all prosecuting attorneys, to inform and prosecute all offences against this act.

SEC. 9. This act shall be given in charge to the grand jury by the president judge of the court of common pleas, in the respective counties.

SEC. 10. This act shall take effect on the first day of March next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

January 17, 1846.

AN ACT

Supplementary to the act to prevent unauthorized Banking, and the circulation of unauthorized Bank paper.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no exchange broker, money broker, or incorporated company, shall bring, or cause to be brought, into this state, any notes issued by any bank or banking company out of this state, for the purpose of paying them out on loans, discounts, in exchange for other money, or of otherwise giving circulation to such notes within this state; nor shall any such broker or incorporated company receive, for any such purpose, such notes, knowing the same to have been so brought into the state; and every exchange broker, money broker, or incorporated company, that shall offend against the provisions of this section, shall forfeit and pay for every such offence, a sum equal to one-fourth part of the amount of the notes which such broker or company shall have so brought, or caused to be brought into the state, or so received for the purpose hereinbefore specified: Provided, however, that the prohibitions contained in this section shall not be so construed as to prevent any broker or incorporated company from receiving, at par, in payment of debts, or on deposit, and again paying out, notes issued by banks or banking companies out of this state, which, at the time of such paying out, are redeeming their notes, on demand, in gold and silver coin, and which notes have been brought into the state in the ordinary course of trade or business, otherwise than for the purpose of being paid out on loans, discounts, or in exchange for other money, with a view to giving circulation to such notes within this state.

All brokers or banking companies prohibited from banking on currency of other states.

Penalty.

Exceptions to the prohibitions.

SEC. 2. No broker or incorporated company in this state shall, either directly or indirectly, pay out, or otherwise circulate, or cause to be circulated, any note or notes issued by any bank or banking company out of this state, of any denomination less than five dollars, nor any note issued by any bank or banking company out of this state, which the broker or company so paying out, or giving circulation to, is not at the same time receiving on deposit, or in the payment of debts, as of equal value with gold and silver coin, under the penalty of one hundred dollars for every such offence: Provided, that nothing in this section contained, shall be so construed as to prevent any broker or incorporated company from selling any depreciated bank notes in its possession, and which such broker or company shall have received at par, to any person or persons for the purpose of obtaining payment thereof from the bank or banking company which issued the same, or from any person or company that may be liable for such payment.

The circulation of notes of banks out of the state under \$5, and all notes not received on deposit prohibited.

SEC. 3. All penalties imposed by this act shall be recovered and paid over for the use of the state, in the manner prescribed by the act to prohibit unauthorized banking, and the

circulation of unauthorized bank paper, passed March twelve, one thousand eight hundred and forty-five.

SEC. 4. All persons dealing in exchange, or who keep an office for the lending of money, shall be deemed and taken as brokers within the meaning of this act.

Receivers and all other persons prohibited from putting in circulation notes of banks whose charters have expired, or whose assets have been placed with receivers.

SEC. 5. It shall not be lawful for any person appointed by the court to redeem the outstanding notes of any bank, whose assets have been, or shall be, placed in the hands of receivers, pursuant to the provisions of any law of this state, or who shall have, in any way, undertaken, or become bound, to redeem such outstanding notes, or the outstanding notes of any bank whose charter shall have expired, or whose right to issue notes for circulation shall have ceased, either by himself or by his agent, or any person or persons, company or companies, to pay out, loan, give in exchange for other money, or in any way whatever put in circulation any such notes, or to take any measures, or procure to be taken any measures, to prevent such notes from being presented for redemption; and any person who shall violate any of the provisions of this section shall forfeit and pay to the state of Ohio, for every such offence, not less than fifty, nor more than two hundred dollars, at the discretion of the court, with costs of suit, to be recovered in an action of debt, to be prosecuted and collected by the prosecuting attorney of the proper county, and by him paid into the treasury of the proper county, for the use of the state.

The provisions of 5th section extended.

SEC. 6. No bank, banking company, or other incorporated company, dealer in money, money exchange broker, or the treasurer of state, shall, in any way, put in circulation, or pay out, otherwise than to send directly, or deliver to the person or persons bound to redeem the same, any notes of any bank, whose assets shall have been placed in the hands of receivers, as aforesaid, or whose charter or right to issue notes of circulation shall have expired, under the penalty of forfeiting one-half of the par value of any such notes, to be prosecuted, collected, and disposed of, in all respects, as provided for in the preceding section of this act.

Duties of prosecuting attorneys in enforcing this law.

SEC. 7. It is hereby made the especial duty of the prosecuting attorney of each county in this state, to inquire into all cases, where he may have reason to believe that offences shall have been committed against the provisions of this act, and if, upon such inquiries, he shall have good cause for believing that any such offence shall have been committed, immediately to prosecute the offenders thereof.

SEC. 8. This act shall take effect and be in force from and after the first day of March next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

January 22, 1846.

AN ACT

To provide for the attendance of witnesses, where the venue is changed, and in other cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That where the venue, in any civil cause, has been or may hereafter be changed, and, also, where any cause has been or may be hereafter certified, to an adjoining county, all persons who would be required to attend as witnesses, under any process, if the trial were had in the county in which the suit was commenced, shall be required to attend as witnesses, on the trial of any such cause, in the county to which the cause may be removed; and process of subpœna, for persons residing in the county in which the suit was commenced, may be issued from the court of either county, and shall be served as if issued in the county in which the suit was originally commenced.

Process of subpœna may be issued by court of either county.

SEC. 2. Witnesses attending court in pursuance of the requirements of the preceding section, shall be allowed one dollar for each and every day's attendance, and the like sum for every twenty-five miles travel in going to and returning from said court.

Fees of witnesses.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

January 22, 1846.

AN ACT

Making an appropriation for purposes therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That a sum not exceeding two thousand three hundred and fifty dollars, and sixteen cents, be and the same is hereby appropriated for paying the wages, traveling and incidental expenses of the commissioners, appointed pursuant to two several acts, one entitled "an act to appoint commissioners to examine the books, accounts, and proceedings of the board of public works, and for other purposes," passed March six, one thousand eight hundred and forty-five; the other, entitled "an act to appoint commissioners to examine the books, accounts, and proceedings of the board of canal fund commissioners, and of the transfer office of Ohio stock, in New York," passed March twelve, one thousand eight hundred and forty-five, to be paid out of any money in the treasury, not otherwise appropriated, on the warrant of the auditor of state, who is hereby authorized to audit the account of said commissioners.

Amount to be paid to commissioners appointed to investigate the books, &c., of Board of Public Works and Canal Fund Commissioners.

Appropriation
for stationery.

SEC. 2. A sum not exceeding five thousand dollars is hereby appropriated for stationery, purchased for the use of the general assembly and various public officers.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

January 22, 1846.

AN ACT

Prescribing the times of holding the Court of Common Pleas in the Seventh Judicial Circuit.

Seventh Judi-
cial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall be held in the several counties of the seventh judicial circuit, at the times and places hereinafter prescribed, namely: In the county of Butler, on the third Tuesday of February, the third Tuesday of May, and the third Tuesday of September; in the county of Greene, on the second Tuesday of March, the second Tuesday of June, and the second Wednesday of October; in the county of Clinton, on the fourth Tuesday of March, the third Tuesday of July, and the fourth Tuesday of October; and in the county of Warren, on the first Tuesday of April, the first Tuesday of August, and the second Tuesday of November.

SEC. 2. The clerk of the court of common pleas, in any county where there is not sufficient time to draw jurors and to issue writs of venire facias, as is now required by law, shall, in the presence of the sheriff, as is required by the fourth section of the act regulating juries, draw the jurors, and thereupon issue said writs, at any time before the setting of such court; and the court, when convened, may order such writs to be returned forthwith, and the sheriff of such county shall serve the same, and make return thereof, agreeably to the command of the same; and such service and return shall be as valid in law as if such writ had been issued thirty days previous thereto.

SEC. 3. If the court, in any county, shall not have finished its business before the time prescribed for holding the court in any other county of said circuit, the court may continue its term for the purpose of transacting probate and testamentary business, granting letters of guardianship, licenses for taverns and ferries, and for return of process.

SEC. 4. In all cases where writs of execution or order of sale in chancery, are in the hands of any sheriff, or other officer, at the time of the passage of this act, and there is not

sufficient time to return said writs by the second day of the term of any court, as prescribed by this act, the said sheriff, or other officer, may return said writs at any time during the sitting of said court; and all sales and other proceedings had under and by virtue of said writs, shall have the same force and validity as if said sale had been made and said writs returned by the second day of the term of said court.

SEC. 5. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 6. This act shall take effect from and after its passage.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

January 22, 1846.

AN ACT

Prescribing the times of holding the Court of Common Pleas of the Eleventh Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the courts of common pleas shall hereafter be held, in the several counties of the eleventh judicial circuit, at the times hereafter prescribed, namely: in the county of Holmes, on the fourth Mondays of February, the second Mondays of May, and the first Mondays of September; in the county of Medina, on the second Mondays of March, the third Mondays of May, and the first Thursdays of October; in the county of Wayne, on the third Mondays of March, the fourth Mondays of May, and the third Mondays of September; in the county of Knox, on the last Mondays of March, the second Mondays of June, and the third Mondays of October; in the county of Richland, on the thirteenth days of April, on the twenty-second days of June, and on the first Mondays of November.

Eleventh Judicial Circuit.

SEC. 2. The second, third and fourth sections of an act passed during the present session of the general assembly, prescribing the times of holding the courts of common pleas in the seventh judicial circuit, shall be deemed and taken as parts of this act.

SEC. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

January 22, 1846.

AN ACT

Prescribing the times of holding the Court of Common Pleas in the Third Judicial Circuit.

Third Judicial
Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the courts of common pleas shall hereafter be held in the several counties of the third judicial circuit, at the times hereafter prescribed, namely: In the county of Summit, on the third Tuesdays of April, the first Tuesdays of August, and the third Tuesdays of November; in the county of Portage, on the third Tuesdays of February, the first Tuesdays of June, and the first Tuesdays of November; in the county of Ashtabula, on the first Tuesdays of April, the second Mondays preceding the last Tuesdays in June, and the third Tuesdays of October; in the county of Trumbull, on the second Tuesdays of March, the second Tuesdays of June, and the first Tuesdays of October.

SEC. 2. The second, third, and fourth sections of an act passed during the present session of the general assembly, prescribing the times of holding the courts of common pleas in the seventh judicial circuit, shall be deemed and taken as parts of this act.

SEC. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ELIAS F. DRAKE,
Speaker of the House of Representatives,
SEABURY FORD,
Speaker of the Senate.

January 22, 1846.

AN ACT

Prescribing the times of holding the Court of Common Pleas in the Sixth Judicial Circuit.

Sixth Judicial
Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall hereafter be held, in the several counties of the sixth judicial circuit, at the several times herein prescribed, namely: in the county of Pike, on the last Monday of February, the first Monday of May, and the first Monday of September; in the county of Jackson, on the second Monday of March, the second Monday of May, and the second Monday of September; in the county of Hocking, on the third Monday of March, the third Monday of May, and the third Monday of September; in the county of Fairfield,

on the fourth Monday of March, the fourth Monday of May, and the fourth Monday of September; in the county of Pickaway, on the second Mondays next after the commencement of the March and May terms in the county of Fairfield, and on the first Monday in November; and in the county of Ross, on the second Mondays next after the commencement of the spring and summer terms in the county of Pickaway, and on the third Monday in October.

SEC. 2. The second, third and fourth sections of the act passed at the present session of the general assembly, prescribing the times of holding the court of common pleas in the seventh judicial circuit, shall be deemed and taken as part of this act.

SEC. 3. All laws and parts of laws inconsistent with this act, are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

January 22, 1846.

AN ACT

Prescribing the times of holding the Court of Common Pleas in the Fourteenth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall hereafter be held, in the several counties of the fourteenth judicial circuit, at the times hereinafter prescribed, namely: in the county of Cuyahoga, on the several days heretofore prescribed by law, excepting that the May term of said court shall be held on the second Tuesday of May; in the county of Lorain, on the last Tuesdays of January, the last Tuesdays of April, and the third Tuesdays of September: Provided, that in the year one thousand eight hundred and forty-six, the first term of said court, instead of being held on the last Tuesday of January, shall be held on the first Monday of February; in the county of Lake, on the third Tuesdays of March, the first Tuesdays of June, and the second Tuesdays after the commencement of the fall terms in Lorain; and in the county of Geauga, on the last Tuesdays of March, the last Tuesdays of June, and the second Tuesdays next after the commencement of the fall terms in Lake: Provided, that whenever this day shall happen on the second Tuesday of October, the court shall commence the day following.

Fourteenth Judicial Circuit.

SEC. 2. The second, third and fourth sections of an act passed during the present session of the general assembly, prescribing the time of holding the court of common pleas in the seventh judicial circuit, shall be deemed and taken as part of this act.

SEC. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

January 22, 1846.

AN ACT

Prescribing the times of holding the Court of Common Pleas in the First Judicial Circuit.

First Judicial
Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the courts of common pleas in the first circuit, shall be hereafter held at the several times herein prescribed, namely: in the county of Preble, on the second Tuesdays of March, the third Tuesdays of June, and the first Tuesdays of October; in the county of Miami, the second Tuesdays next after the commencement of the spring and fall terms in Preble, and on the first Tuesdays of August; in the county of Darke, on the second Tuesdays next after the commencement of the terms in Miami; and in the county of Montgomery, on the first Tuesdays next succeeding the commencement of the terms in Darke.

SEC. 2. The second, third and fourth sections of an act passed during the present session of the general assembly, entitled "an act prescribing the times of holding the courts of common pleas in the seventh judicial circuit," shall be deemed and taken to be parts of this act.

SEC. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate

January 23, 1846.

AN ACT

Prescribing the times of holding the Court of Common Pleas in the Second Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall hereafter be held, in the several counties of the second judicial circuit, at the times hereafter prescribed, namely: in the county of Delaware, on the second Tuesday of March, the last Tuesday of May, and the last Tuesday of September; in the county of Marion, on the second Thursday next after the commencement of the March term of the court in Delaware, the first Tuesday in July, and the second Tuesday next after the commencement of the September term of the court in Delaware; in the county of Crawford, on the fourth Tuesday of March, the fourth Tuesday of June, and the first Tuesday of November; in the county of Seneca, on the Tuesday next succeeding the commencement of the March term in the county of Crawford, the second Tuesday in July, and the third Tuesday in October; and in the county of Wyandotte, on the second Thursday next succeeding the commencement of the spring term of the court in the county of Seneca, and on the Thursday next after the commencement of the October term of the court of Marion.

Second Judicial Circuit.

SEC. 2. The second, third and fourth sections of an act passed during the present session of the general assembly, prescribing the times of holding the court of common pleas in the seventh judicial circuit, shall be deemed and taken as a part of this act.

SEC. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

January 23, 1846.

AN ACT

Prescribing the times of holding the Courts of Common Pleas in the Sixteenth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the courts of common pleas in the sixteenth circuit, shall be held at the several times herein prescribed, namely: In the county of Shelby, on the seventeenth

Sixteenth Judicial Circuit.

of March, the thirtieth of June, and the fifteenth of September; in the county of Mercer, on the seventh of April, twenty-first of July, and the twenty-second of September; in the county of Allen, on the fourteenth of April, the twenty-eighth of July, and the twenty-ninth of September; in the county of Hancock, on the twenty-first of April, the fourth of August, and the sixth of October; in the county of Hardin, on the twenty-eighth of April and the twelfth of October; in the county of Vanwert, on the twelfth of May and the twentieth of October; in the county of Putnam, on the eighteenth of May and the twenty-sixth of October; in the county of Paulding, on the twenty-fifth day of May and the second of November; in the county of Defiance, on the twenty-seventh of May and the fourth of November; in the county of Williams, on the second of June and the tenth of November.

SEC. 2. Should any of the days named in the first section fall on Sunday, the courts shall commence on the day following.

SEC. 3. The second, third, and fourth sections of the act passed at the present session, prescribing the times of holding the courts of common pleas in the seventh judicial circuit, shall be deemed and taken as parts of this act.

SEC. 4. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

January 23, 1846.

AN ACT

Prescribing the times of holding the Court of Common Pleas in the Thirteenth Judicial Circuit.

Thirteenth Ju
dicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall hereafter be held, in the several counties of the thirteenth judicial circuit, at the times herein prescribed, namely: in the county of Wood, on the second Tuesdays of March, and the last Tuesdays of September; in the county of Erie, on the third Tuesdays of March, the first Tuesdays of June, and the first Tuesdays of October; in the county of Huron, on the second Tuesdays next after the commencement of each of the several terms of the county of Erie; in the county of Sandusky, on the second Tuesdays next after the commencement of each of the spring and

summer terms of the county of Huron, and on the first Tuesdays next after the commencement of the fall terms of said county of Huron; in the county of Ottawa, on the first Tuesdays next after the commencement of the spring terms of the county of Sandusky, and on the first Tuesdays of November; in the county of Henry, on the first Tuesdays next after the commencement of the spring terms in the county of Ottawa, and the last Tuesdays but one in September; in the county of Lucas, on the first Tuesdays after the commencement of the spring terms in the county of Henry, on the first Tuesdays next after the commencement of the summer terms in the county of Sandusky, and on the second Tuesdays of November.

SEC. 2. The second, third and fourth sections of an act passed during the present session of the general assembly, prescribing the times of holding the court of common pleas in the seventh judicial circuit, shall be deemed and taken as parts of this act.

SEC. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

January 27, 1846.

AN ACT

Prescribing the times of holding the Courts of Common Pleas in the Tenth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the courts of common pleas shall hereafter be held, in the several counties of the tenth judicial circuit, at the several times herein prescribed, namely: in the county of Adams, on the first Tuesdays of March, the second Tuesdays of July, and the third Tuesdays of September; in the county of Highland, on the Tuesdays next succeeding the commencement of the March and July terms of the court in Adams, and on the second Tuesdays next succeeding the commencement of the September term in Adams; in the county of Fayette, on the second Tuesdays next succeeding the commencement of the March term in Highland, and the first Tuesdays next succeeding the commencement of the July term in Highland, and on the second Tuesdays next succeeding the fall term in Highland: Provided, that when, by the provisions of this act, it shall so happen that the fall term of said court will commence, in the

Tenth Judicial
Circuit.

county of Fayette, on the second Tuesday in October, then said court shall commence on Wednesday next succeeding the second Tuesday in said month; in the county of Clermont, on the second Tuesdays next succeeding the commencement of the spring and fall terms in Fayette, and on the first Tuesdays next succeeding the commencement of the summer terms in Fayette; in the county of Brown, on the second Tuesdays next succeeding the commencement of the said terms in the county of Clermont.

SEC. 2. The second, third and fourth sections of the act passed at the present session of the general assembly, prescribing the times of holding the courts of common pleas in the seventh judicial circuit, shall be deemed and taken as parts of this act.

SEC. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

January 27, 1846.

AN ACT

Prescribing the times of holding the Court of Common Pleas in the Fourth Judicial Circuit.

Fourth Judicial
Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall hereafter be held, in the several counties of the fourth judicial circuit, at the several times herein prescribed, namely: in the county of Perry, on the first Tuesdays of March, the first Tuesdays of June, and the first Tuesdays of September; in the county of Licking, on the second Tuesdays of March, the third Tuesdays of June, and the second Tuesdays of September; in the county of Coshocton, on the last Tuesdays of March, the last Tuesdays of June, and the last Tuesdays of September; in the county of Muskingum, on the first Tuesdays of April, the first Tuesdays of August, and the first Tuesdays of November.

SEC. 2. The second, third and fourth sections of an act passed at this present session of the general assembly, prescribing the time of holding the court in the seventh judicial circuit, shall be deemed and taken as part of this act.

SEC. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

January 31, 1846.

AN ACT

Prescribing the times of holding the Courts of Common Pleas in the Fifth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas shall be hereafter held, in the several counties of the fifth judicial circuit, at the times hereinafter prescribed, namely: in the county of Columbiana, on the third Mondays of March, the third Mondays of June, and the fourth Mondays of November; in the county of Stark, on the first Tuesdays of April, the first Tuesdays of August, and the third Tuesdays of November; in the county of Tuscarawas, on the third Mondays of April, the fourth Mondays of August, and the first Wednesday after the second Tuesday of October; and in the county of Carroll, on the first Mondays of May, the third Mondays of August, and the fourth Mondays of October. Fifth Judicial Circuit.

SEC. 2. The second, third and fourth sections of an act passed during the present session of the general assembly, prescribing the times of holding the courts of common pleas in the seventh judicial circuit, shall be deemed and taken as parts of this act.

SEC. 3. All laws and parts of laws inconsistent with this act, are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

February 9, 1846.

AN ACT

To amend the first section of an act prescribing the times of holding the Courts of Common Pleas in the Seventh Judicial Circuit, and for other purposes, passed January 22, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas shall be held in the county of Warren, on the third Tuesday of August; in Seventh Judicial Circuit.

the county of Greene, on the first Wednesday after the second Tuesday of October.

SEC. 2. That so much of the act to which this is an amendment, fixing the time of holding the court of common pleas in the county of Warren, on the first Tuesday of August, and in the county of Greene, on the second Wednesday of October, be and the same is hereby repealed.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

February 14, 1846.

AN ACT

To establish the times of holding the Courts of Common Pleas in the Eighth Judicial Circuit.

Eighth judicial
 circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the courts of common pleas shall hereafter be held in the several counties of the eighth judicial circuit, at the times hereinafter prescribed.

SEC. 2. The spring terms of said court shall be held in the county of Morgan, on the first Tuesday of March; in the county of Washington, on the next Tuesday thereafter; in the county of Meigs, on the third Wednesday thereafter; in the county of Gallia, on the second Thursday thereafter; in the county of Lawrence, on the second Monday thereafter; in the county of Scioto, on the second Wednesday thereafter; and in the county of Athens, on the second Tuesday thereafter.

SEC. 3. The summer terms of said court shall be held in the county of Morgan, on the second Thursday of June; in the county of Washington, on the second Tuesday thereafter; in the county of Meigs, on the next Tuesday thereafter; in the county of Gallia, on the second Monday thereafter; in the county of Lawrence, on the next Monday thereafter; in the county of Scioto, on the next Monday thereafter; and in the county of Athens, on the second Monday thereafter.

SEC. 4. The fall terms of said court shall be held in the county of Morgan, on the second Tuesday of September; in the county of Washington, on the second Tuesday thereafter; in the county of Meigs, on the second Monday thereafter; in the county of Gallia, on the second Wednesday thereafter; in the county of Lawrence, on the second Monday thereafter; in the county of Scioto, on the next Monday thereafter; and in the county of Athens, on the third Monday thereafter.

SEC. 5. The second, third, and fourth sections of an act passed during the present session of the general assembly, prescribing the time of holding the court of common pleas in the seventh judicial circuit, shall be deemed and taken as parts of this act.

SEC. 6. The act prescribing the time of holding the courts of common pleas in the eighth judicial circuit, passed January twenty-second, anno domini, one thousand eight hundred and forty-six, is hereby repealed.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

February 14, 1846.

AN ACT

Prescribing the times of holding the Court of Common Pleas in the Twelfth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas in the twelfth circuit, shall be held at the several times herein prescribed, namely: In the county of Madison, on Tuesday, the seventeenth day of March, the second day of June, and the twenty-second day of September; in the county of Clark, on Tuesday, the twenty-fourth day of March, the ninth day of June, and the twenty-ninth day of September; in the county of Campaign, on Tuesday, the thirty-first day of March, the fourth day of August, and the third day of November; in the county of Union, on Tuesday, the fourteenth day of April, the twenty-eighth day of July, and on Wednesday, the fourteenth day of October; in the county of Logan, on Tuesday, the twenty-first day of April, the eighteenth day of August, and the seventeenth day of November; in the county of Franklin, on Tuesday, the twenty-eighth day of April, the fourteenth day of July, and the twentieth day of October.

Twelfth judicial circuit.

SEC. 2. The second, third, and fourth sections of an act passed at this present session of the general assembly, prescribing the times of holding the courts in the seventh judicial circuit, shall be deemed and taken as parts of this act.

SEC. 3. That the act entitled "an act prescribing the times of holding the court of common pleas in the twelfth judicial circuit," passed at this present session of the general assembly, and dated January twenty-three, one thousand eight hundred and forty-six, be and the same is hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

February 14, 1846.

AN ACT

To amend the act entitled "An act prescribing the times of holding the Courts of Common Pleas in the Sixteenth Judicial Circuit," passed January 19, 1846.

Sixteenth judicial circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first term of the court of common pleas, in the year eighteen hundred and forty-six, for the county of Mercer, shall be held on the thirty-first of March, any thing in the act to which this is an amendment to the contrary notwithstanding.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

February 14, 1846.

AN ACT

To amend the act entitled "An act to amend the act directing the mode of proceeding in chancery," and the amendatory acts thereto.

Courts authorized to change the regular order of business, and give Chancery causes precedence in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas in the several counties of this state may, whenever the state of the chancery docket in such court requires it, order that at such subsequent terms of the court as they may deem expedient, the chancery causes shall be first heard; and that all writs of venire facias, for petit juries, and subpoena, returnable to such terms, shall be issued, returnable to the second or any subsequent day of the term, as the court, by such order, may direct; and, at such terms, the court shall first hear the causes on the chancery docket, and shall not proceed to hear the issues on the law docket, except by consent, until the day to which the writs of venire aforesaid, and subpoena, were made returnable; and the

clerk of the court, after the entry of such order, shall arrange the trial docket so as to conform to such order as to the days of trial.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

January 24, 1846.

AN ACT

To authorize and regulate limited partnerships.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That limited partnerships, for the transaction of mercantile, mechanical, manufacturing or mining business within this state, may be formed by two or more persons, upon the terms, and subject to the conditions and liabilities prescribed in this act; but nothing contained in this act shall authorize such partnerships for the purpose of banking or insurance.

Limited partnerships authorized for certain purposes, banking excepted.

SEC. 2. Such partnerships may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible, as general partners now are by law; and of one or more persons who shall contribute, in actual cash payments, a specific sum, as capital, to the common stock, who shall be called special partners, and who shall not be liable for the partnership debts, except in the cases hereinafter mentioned: Provided, the capital invested by such special partner shall be held liable for all the debts of such firm.

Partnerships may consist of general and special partners.

SEC. 3. The general partners only shall be authorized to transact business, and sign for the partnership, and bind the same.

General partners only can transact business.

SEC. 4. The persons forming such partnership shall make and severally sign a certificate, which shall contain—first, the name or firm under which such partnership is to be conducted; second, the names and respective places of residence of all the general and special partners, distinguishing who are general, and who are special partners; third, the amount of capital which each special partner has contributed to the common stock; fourth, the general nature of the business to be transacted; fifth, the time when the partnership is to commence, and when it is to terminate.

A certificate embracing specified facts, to be made.

SEC. 5. The certificate shall be acknowledged before a justice of the peace, associate or president judge of the court of common pleas, or judge of the supreme court of this state; and in case either of said partners reside out of this state, such certificate may be acknowledged by such partner before a justice

Certificate to be acknowledged.

of the peace, chancellor or judge of any of the courts of the state or territory where such partner may reside, and such acknowledgment shall be certified by the officer taking the same.

Certificate to be recorded, and where.

SEC. 6. The certificate so acknowledged shall be recorded by the recorder of deeds in the county in which the principal place of business of the partnership shall be situated, in a book to be kept for that purpose, open to public inspection; and if the partnership shall have places of business situated in different counties, the certificate and the acknowledgement thereof shall be recorded in like manner in the office of recorder of deeds, in every such county; and if any false statement shall be made in any such certificate, all the persons interested in such partnership shall be liable, as general partners, for all the engagements thereof.

Publication to be made by partners.

SEC. 7. The partners shall, for six successive weeks, immediately after such certificate shall be recorded, publish a copy thereof in a newspaper printed in the county where their principal place of business is situated; and if no paper be there printed, then in a newspaper printed in an adjoining county, and of general circulation in said county; and a like publication shall be made in every county where the partnership may have a place of business; and in case such publication be not so made, the partnership shall be deemed general.

Certificate indispensable to the partnership.

SEC. 8. Such partnership shall not be deemed to have been formed until such certificate shall have been made, acknowledged and recorded.

No renewal or continuance without certificate.

SEC. 9. Upon every renewal or continuation of a limited partnership, beyond the time originally agreed upon for its duration, a certificate thereof shall be made, acknowledged, recorded and published, in like manner as is provided in this act for the original formation of limited partnerships; and every such partnership, which shall not be renewed in conformity with the provisions of this section, shall be deemed a general partnership.

Any alteration in names of partners, &c., dissolves the special partnership and makes it general.

SEC. 10. Every alteration which shall be made in the names of the partners, in the nature of the business, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership; and every such partnership, which shall be in any manner carried on after such alteration, shall be deemed a general partnership, unless renewed as a special partnership according to the provisions of the last section.

Name of the firm.

SEC. 11. The business of the partnership shall be conducted under a firm, in which the names of the general partners only shall be inserted, without the addition of the word "company," or any other general term; and if the name of any special partner shall be used in such firm, with his privity, he shall be deemed a general partner.

No withdrawal of capital allowed during

SEC. 12. No part of the sum which any special partner shall have contributed to the capital stock, shall be withdrawn by him, or paid, or transferred to him, in the shape of divi-

dends, profits, or otherwise, at any time during the continuance of the partnership; but such partner may annually receive lawful interest on the sum so contributed by him, if the payment of such interest shall not reduce the original amount of such capital; and if, after the payment of such interest, any further profits shall remain to be divided, he may also receive his portion of such profits.

the existence of the partnership.

SEC. 13. If it shall appear that, by the payment of interest or profits to any special partner, the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of capital, with interest.

Any sum taken from original capital must be restored.

SEC. 14. A special partner may, from time to time, examine into the state and progress of the partnership concerns, and may advise as to their management; but he shall not transact any business on account of the partnership, nor be employed for that purpose as agent, or otherwise; if he shall interfere contrary to these provisions, he shall be deemed a general partner.

What a special partner may or cannot do.

SEC. 15. The general partners shall be liable to account to each other, and to the special partners, for their management of the concern, both in law and equity, as other partners now are by law.

Liability of special partners.

SEC. 16. Every partner who shall be guilty of any fraud in the affairs of the partnership, shall be liable civilly to the party injured, to the extent of his damage, and shall also be liable to an indictment for a misdemeanor, punishable by fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or both, at the discretion of the court by which he shall be tried.

Penalty for fraud.

SEC. 17. Every sale, assignment, or transfer of any of the property or effects of such partnership, made by such partnership when insolvent, or in contemplation of insolvency, or after or in contemplation of the insolvency of any partner, with the intent of giving a preference to any creditor of such partnership, or insolvent partner, over other creditors of such partnership; and every judgment confessed, lien created, or security given, by such partnership, under the like circumstances, and with the like intent, shall be void, as against the creditors of such partnership.

Sales, assignments, &c., void under certain circumstances.

SEC. 18. Every special partner who shall violate any provision of the last section, or concur in or assent to any such violation by the partnership, shall be liable as a general partner.

SEC. 19. In case of the insolvency of the partnership, no special partner shall, under any circumstances, be allowed to claim as a creditor, until the [claims] of all the other creditors of the partnership shall be satisfied.

SEC. 20. No dissolution of a limited partnership shall take place by the acts of the partners, previous to the time specified in the certificate of its renewal, until a notice of such dissolu-

Notice of a dissolution to take place before the time specified

or certificate
must be record-
ed.

tion shall have been recorded in the office in which the original certificate was recorded, and published once in each week for four weeks, in a newspaper printed in each of the counties where the partnership may have places of business; and if a newspaper be not published in any one of said counties, then such notice shall be published in a newspaper in an adjoining county, and of general circulation in the county where such partnership business may be situated.

SEC. 21. That when such partnership shall be formed as above prescribed, for manufacturing or mining purposes, and shall purchase or possess lands necessary or convenient for carrying on their business, it shall be lawful for such partnership to rent, cultivate, or improve such lands, and the same shall not be deemed a departure from the regular business of such partnership.

SEC. 22. That all suits respecting the business of such partnership, shall be prosecuted by and against the general partners only, except in those cases in which, by the provisions of this act, special partners shall be deemed general partners, and special partnerships deemed general partnerships; in which cases, all the partners deemed general partners may join, or be joined, in such suits.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

January 24, 1846.

AN ACT

To amend an act entitled "An act to amend the act entitled an act to provide for the protection of the Canals of the state of Ohio, the regulation of the navigation thereof, and for the collection of tolls," passed March 7, 1842.

Provisions of
first section of
former act ex-
tended to Tus-
carawas feeder.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the provisions of the first section of the act to which this is an amendment, repealing the prohibition to navigate rafts or floats of round or unhewn timber on the Walhonding canal and the Muskingum Improvement, be, and the same are hereby extended, so as to include the Tuscarawas feeder of the Ohio canal.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

January 24, 1846.

AN ACT

Providing an adequate compensation for the Judges of the Supreme Court, the President Judges of the Courts of Common Pleas, and the Judge of the Superior Court of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That each judge of the supreme court shall be entitled to receive, for his services, the annual salary of thirteen hundred dollars; each president judge of the courts of common pleas, and the judge of the superior court of Cincinnati, shall be entitled to receive, for his services, the annual salary of one thousand dollars. Salary of Judges.

SEC. 2. Such salaries shall be paid quarterly, on the last days of March, June, September and December.

SEC. 3. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

January 27, 1846.

AN ACT

To amend the act to regulate elections, passed February eighteen, one thousand eight hundred and thirty-one.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if the clerk of any court of common pleas shall refuse or willfully neglect to make out and forward abstracts of votes, as required by the twenty-third and twenty-fourth sections of the act entitled "an act to regulate elections," passed February eighteen, one thousand eight hundred and thirty-one, or shall refuse or willfully neglect to make out and deliver certificates of election, as required by the forty-first section of said act, he shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars, or be imprisoned in the jail of the county, and be fed on bread and water only, not more than ten days, or both, at the discretion of the court. Penalty imposed upon clerks for not returning abstracts of election, &c.

SEC. 2. All prosecutions under this act shall be by indictment.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

January 27, 1846.

AN ACT

In relation to writs of error.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That upon the affirmance of a judgment by the supreme court, on writ of error, brought by the defendant below, the said court shall also render judgment against the plaintiff in error, for five per centum damages upon the amount due from the plaintiff in error to the defendant in error, unless the court shall be satisfied, and so enter upon their minutes that there was reasonable ground for the prosecution of the said writ of error.

Five per cent. damages be assessed, except for condition specified.

No writ of error to issue where there has been an entry of waiver.

SEC. 2. No writ of error shall hereafter issue, as a matter of course, under the sixth section of the act to which this is amendatory, in any case in which there is upon the minutes of the court, among the files thereof, a waiver of error by the party seeking such writ of error, or his attorney.

SEC. 3. That so much of said act as requires the court in bank to be held twice a year, be, and the same is hereby suspended for one year.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

January 31, 1846.

AN ACT

To amend an act entitled "An act to prevent fraudulent practices," passed March 12, 1844.

Punishment for giving false receipts for goods, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if the keeper of any warehouse, or any agent, clerk, or other person employed in or about any warehouse, or if any other factor or agent, or any clerk, or other person employed in or about the business of such factor or agent, shall give to any person a writing purporting to be a receipt for, or an acknowledgment of any goods, or other property, having been received in his warehouse, or in the warehouse in or about which he shall be employed, or in any other manner received by him, or by the person in or about whose business he shall be employed, before the goods, or other property named in such receipt or acknowledgment, have been actually delivered to him as aforesaid, with intent to injure, deceive or defraud any person or persons whomsoever, both he, and the person accepting such receipt or acknowledgment, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be impris-

oned in the penitentiary, and kept at hard labor, for any space of time not exceeding three years, nor less than one year.

SEC. 2. If the owner of any merchandise, or other person in whose name any merchandise shall be shipped or delivered to the keeper of any warehouse, or other factor or agent, to be shipped, shall, after the advancement to him or them of any money, or the giving to him or them of any negotiable security, by the consignee or consignees of such merchandise, without the consent of such consignee or consignees, being, therefore, first had and obtained, make any disposition of such merchandise, different from, and inconsistent with that agreed upon between such owner or other person aforesaid, and such consignee or consignees, at the time of said money being so advanced, or said negotiable security being so given, with the intent to defraud or injure such consignee or consignees, said owner or other person aforesaid, and all other persons conniving with him or them for the purpose of deceiving, defrauding or injuring said consignee or consignees, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, for any space of time not more than three, nor less than one year: Provided, however, that no person shall be subject to prosecution, under this section, who shall, before disposing of such merchandise, pay, or offer to pay to the consignee or consignees the full amount of any advancement made thereon.

Consignees protected against the frauds of owners of goods.

SEC. 3. This act shall take effect from and after the fourth day of July next.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

January 31, 1846.

AN ACT

To amend an act entitled "an act to amend an act for the inspection of certain articles therein enumerated," passed March 9, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the inspectors of sawed lumber, that have been, or may hereafter be, appointed by the several courts of common pleas in this state, shall also be duly authorized to inspect shingles; and in addition to his duties as inspector, is to be considered the only legalized measurer of lumber, with power to appoint deputies, for whose acts he shall be responsible.

The authority of inspectors.

SEC. 2. That in the inspection of sawed lumber, it shall be designated as clear, first common, second common, and refuse,

Manner of inspection.

by such inspector; and the inspection of shingles, as first and second quality: the shingles to be branded on each bundle with the quality, and name of the inspector.

Fees.

SEC. 3. That the fees for inspecting and measuring, shall be fifteen cents per thousand feet, board measure, for sawed lumber; and five cents per thousand for shingles.

SEC. 4. This act to take effect from and after its passage; and all acts or parts of acts conflicting with this act, are hereby repealed.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 9, 1846.

AN ACT

Relating to the stock owned by this State, in the Milan Canal Company.

The Governor
authorized to
transfer State
stock to Milan
Canal Com-
pany.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of this State is hereby authorized and required to transfer to the Milan Canal Company the amount of stock held by the State therein, at any time prior to the first day of July next, upon the payment by the said canal company to the treasurer of state, of the sum of two thousand five hundred dollars, either in money or stock of this state.

How much to
be paid.

SEC. 2. That if the said company shall fail to pay to the treasurer of state, the said sum of two thousand five hundred dollars, prior to the first day of July next, then it shall be lawful for the said company to pay to the treasurer of state, the sum of five thousand dollars for the said stock, at any time within three years from the expiration of the time, as provided in the act "to amend the act entitled 'an act incorporating the Milan canal company,' passed March, eighth one thousand eight hundred and forty-five," according to the terms and provisions of said act.

Notice to be
given to the
Governor with-
in sixty days
from passage of
this act.

SEC. 3. That the officers of the said Milan canal company, shall, within sixty days from the passage of this act, inform the governor of this state of their acceptance of the provisions of this act, and such acceptance shall be so construed as to bar the said company from all claims and demands against the state for the payment of any money, or for the release of any portion of the stock of the state now held therein, otherwise than as provided in this act.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 9, 1846.

AN ACT

Relative to incorporations for manufacturing, and other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That at any time when five or more persons shall be desirous of forming a company for the purpose of manufacturing woollen, cotton or linen goods, or yarns; or for the purpose of making glass, iron from ore, bar or other iron, steel, or manufactures of wire, or brass, sheet copper, sheet lead; shot, white lead, red lead; or of manufacturing clay or earth, wood or iron, into articles for any use; or for the purpose of manufacturing pins, buttons; or for the purpose of manufacturing morocco, or other leather; or for mining business; or for the manufacture of any two or more of such articles: and shall make, sign and acknowledge, before a justice of the peace, a certificate in writing, in which shall be stated the corporate name of said company; the objects for which such company is formed; the amount of the capital stock of such company; the number of shares of which the stock shall consist, and the price of each share; the number of trustees and directors, their names, who shall manage the affairs of said company for the first year, and the name of the place and county in which the manufacturing operations of the company shall be carried on; and record the same in the recorder's office of the county in which said company shall transact its business. Such persons, so acknowledging and giving said certificate, and their successors, shall, for the term of forty years next after the recording of such certificate, be a body corporate, by the name stated in said certificate; and, by such name, they and their successors shall yearly have succession, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, in all manner of actions, suits, complaints and causes whatsoever; to have a common seal, and the same to alter and change; and by the said corporate name shall, in law, be capable of buying, purchasing, holding, and conveying any lands, tenements, goods, machinery, wares and merchandise whatever, necessary and convenient to enable the said company to carry on their manufacturing operations mentioned in such certificate, or that said company may take or receive bona fide in the payment of debts previously contracted, and to sell and dispose of the same, and of their manufactured articles, and to make all necessary or proper contracts for carrying on the operations of said company; and may make, execute and deliver, mortgages on their property, to secure payment of the debts of said company, in all respects, as fully as may be done by natural persons.

Certificates to be signed, acknowledged, and containing specified particulars, and to be filed records in Recorder's office.

After certificates are filed, corporate privileges are granted.

SEC. 2. That, after the first year, the property and concerns of said company shall be controlled, managed, and conducted by directors, not less than three [nor] more than seven in number, to be elected by ballot, by the stockholders in said

Directors to be chosen—how elected, and their term of service.

company, for one year, on the first Monday of January in each year, at such place as shall be directed by the by-laws of said company; of which time and place, at least ten days' notice shall be published in some newspaper. Such election shall be made by such of the stockholders as shall attend in person, or by proxy in writing, for such purpose; each stockholder shall be entitled to one vote for each share of stock so owned: the persons having the greatest number of votes shall be declared the directors. In case the election shall not be made on the day named, the said corporation shall not be thereby dissolved, but an election may be had at any other time, agreeably to the directions of the by-laws of said company; and the persons once elected, shall hold their office until others are elected and qualified; and, in case of the death or resignation of one or more of said directors, the survivors shall fill the vacancy until the next election.

Powers of Directors.

SEC. 3. The said directors shall, for the time being, have power to make and prescribe such by-laws, rules and regulations, respecting the management and control, and disposition of the stock and property of said company, as they may deem expedient and proper, not inconsistent with the constitution and laws of the United States or of this state; shall appoint and employ as many officers, clerks and servants, for carrying on the business of said company, as shall seem proper, and the same to remove and discharge, from time to time, and determine their duties, and the salaries and wages to be paid them.

Amount of capital stock;

—When and how paid.

Stock may be sold.

SEC. 4. The amount of capital stock of such company shall not be less than five thousand dollars, nor more than two hundred thousand dollars each, and shall be paid in from time to time, and in such sums as shall be required by the trustees or directors; and if any stockholders shall fail to pay the amounts so required to be paid, and at the same times required, the stock of such delinquent stockholders, or such portions thereof as may be so required to meet such payment, may be sold, by the said trustees or directors, at public auction, after twenty days' previous notice of the time and place of sale; and a transfer of stock so sold, made by the trustees in the name of the holder of the stock, shall vest a good valid title in the purchaser; or the said company may commence and prosecute, in any court of competent jurisdiction, an action of assumpsit against any subscriber for stock in said company, and recover judgment for the amount due on his or her subscriptions, with interest thereon, from the time the same was required to be paid, and have execution therefor.

Stock may be transferred.

SEC. 5. The stock of said company shall be deemed personal estate, and may be transferred in such manner as shall be prescribed by the by-laws of said company: Provided, that notice of such transfer, in a plain and legible hand writing, shall be conspicuously posted up in the office, and one or more work shops of the said company, for twenty days after such transfer;

and the persons so transferring his stock, shall not be exonerated from his individual liability previously due to workmen, as hereinafter specified ; but the company shall retain a lien on all stock subscribed, until the whole amount subscribed shall be fully paid ; and such lien may be enforced by said company by suit in chancery, and by the sale thereof, under the decree of the proper court of chancery, as other liens are or might be enforced.

SEC. 6. That for every debt due by said company to laborers employed by said company, in carrying on the manufacturing interests of said company, each and every stockholder in said company shall be liable, and may be sued therefor, in a joint action brought by such creditor, or may pay the same without such suit ; and on payment of every such debt or judgment by any one or more of said stockholders, he or they paying the same, or his or their representatives, may sustain any action, and obtain judgment against said company, for the amount so paid, or may have contributions of the other stockholders for the amount so paid by suit or otherwise ; but no stockholder shall be otherwise liable for the debts of said company, beyond the amount subscribed as aforesaid, which, at the time of any such suit, remains unpaid.

Liabilities of stockholders.

SEC. 7. No note or obligation given by any stockholder, whether secured by mortgage or otherwise, shall be considered as payment of any part of the capital stock ; and no loan of money shall be made by any such company to any stockholder therein.

Notes or obligations not capital stock.

SEC. 8. Said company may, at any time, by a vote of the stockholders, at a meeting called for that purpose, each stockholder having due notice thereof, discontinue their business, and wind up their affairs, and may sell and dispose of their corporate property ; but no final division of said property, or the proceeds of sale, shall be made among the stockholders of said company, so as, in any wise, to impair the ability of said company to pay its debts, until all the debts of said company are first paid ; and if any such final division shall be made before said company's debts are all paid, the directors, or officers and stockholders of said company, authorizing or making such division, shall be held personally liable to each and every creditor for the amount of the debts held against said company, in any proper action to be brought therefor.

No company can be dissolved until debts are paid.

SEC. 9. Dividends of the profits made by said company may be made by the trustees or directors of said company, every six months ; but no such dividends shall be made while said company may be in an insolvent condition ; and for all dividends thus made and paid to stockholders, while such company is in an insolvent condition, the trustees or directors aforesaid shall be liable to the creditors of said company ; and it shall be the duty of the trustees or directors of said corporation to keep correct accounts of their transactions, and have full statements

Dividends.

of the condition of the affairs of said company made out and exhibited to the stockholders of said company, as often as once in each year, at least ten days before the day of election: and each stockholder may, at all reasonable times, have access to the books of said company, to examine the same, and under such rules and regulations as may be prescribed by the stockholders or directors.

Prohibition
against bank-
ing.

SEC. 10. The corporation created and established by this act shall not, at any time, be engaged in banking, or suffered to do a banking business, or suffered to deal in bills of exchange, except when the same are given or received bona fide in the transaction of business connected with the object of their creation.

How taxed.

SEC. 11. Each corporation created by this act, and the property thereof, shall be subject to be taxed and assessed by the general assembly, in the same manner as the property of individuals may be taxed and assessed by the laws of the state.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

February 9, 1846.

AN ACT

Authorizing special sessions of the court of common pleas, and for other purposes.

President Judge
may prescribe
the time for
holding special
sessions.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That special terms of the court of common pleas in any county in the state, may be held, when in the opinion of the president judge it may be necessary, at such time as the president judge may prescribe.

Kind of busi-
ness to be trans-
acted.

SEC. 2. No business shall be transacted at such special terms, excepting criminal, probate, and testamentary matters; the appointment of guardians, and settling their accounts; appeals from county commissioners in relation to roads and highways; and the hearing and deciding upon application for, and remonstrances against, tavern licenses, and authorizing ministers to solemnize marriage.

Duties of clerks
and sheriff.

SEC. 3. Whenever the president judge shall notify the clerk and sheriff to that effect, it shall be their duty immediately to proceed to draw a grand and petit jury for said special term, and the clerk shall immediately give notice by publication in some newspaper printed in said county, and if none shall be printed therein, then in some newspaper having general circulation therein, and also by notice posted up in his office, of the time of holding said special term.

SEC. 4. Immediately after said juries are drawn, the sheriff shall proceed to summon the same, and also to notify the associate judges thereof. Juries summoned.

SEC. 5. Recognizances of bail, subpoenas, and other process in criminal cases, may be returnable to said special term, in the same manner as they are made returnable to any regular term of said court. Recognizances, &c.

SEC. 6. The business enumerated in the second section, when continued at any regular term of the court, may be acted upon at such special term, and if continued at any special term may be acted upon at the next regular term of such court; but all other business of said court shall be unaffected by the holding of such special term.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February, 9 1846.

AN ACT

In relation to judgments by confession.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That judgments by confession shall only have a lien on land from the day on which judgments shall be entered. Time when lien commences.

SEC. 2. This act shall take effect from and after the fourth day of July next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 11, 1846.

AN ACT

Allowing and regulating Writs of Replevin before Justices of the Peace.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That justices of the peace shall hereafter have concurrent jurisdiction with the courts of common pleas in actions of replevin, in all cases where the property in controversy shall not exceed one hundred dollars in value; and so much of the act defining the powers and duties of justices of the peace and constables, in civil cases, as takes away jurisdiction from justices of the peace, in actions of replevin, is hereby repealed. Extent of concurrent jurisdiction of justices with common pleas courts.

Former act repealed.

When costs cannot be recovered in courts of common pleas.

SEC. 2. If the plaintiff in replevin shall commence his action in the court of common pleas, unless the appraised value of said goods shall be one hundred dollars or more, he shall recover no costs.

How actions of replevin commenced are conducted before justices of the peace.

SEC. 3. The proceedings in the action of replevin, when brought before a justice of the peace, shall be commenced by filing a precipe and affidavit, and thereafter be conducted in conformity with the law allowing and regulating writs of replevin, in the same manner as if justices of the peace had been named in said law: Provided, that special pleadings shall not be required.

Writs—how directed and returned.

SEC. 4. Writs of replevin, when issued under the provisions of this act, shall be directed to any constable of the township in which such action may be brought, and shall be made returnable, and be served and returned at the same time and in the same manner that the writ of summons is or may be required to be made returnable, and be served and returned by the law in force at the time, defining the powers and duties of justices of the peace and constables in civil cases.

Extent of the powers and duties of constables in actions of replevin.

SEC. 5. Constables, in the service and return of any writ of replevin, to them directed, and also in relation to any other act or thing touching the proceedings in replevin authorized by this act, and which ought to be, and may of right be done and performed by any sheriff, under and by virtue of the law allowing and regulating writs of replevin, (and the term law, as used in this act, shall be understood to refer to and include, in the meaning thereof, all acts, whether original, supplementary, amendatory, or otherwise, relating to the same subject matter,) shall have all the powers, and shall be required to perform all the duties, and be subject to all the liabilities of sheriffs in like cases.

Regulation as to all other necessary process

SEC. 6. All other process necessary to the due prosecution of any action of replevin, brought under the provisions of this act, or which may be required to carry into effect any judgment rendered therein, shall be issued, served and returned; and all such other and further proceedings be had, as may be necessary for the purpose aforesaid, according to the law defining the powers and duties of justices of the peace and constables in civil cases.

How appeals may be taken and prosecuted.

SEC. 7. Appeals may be taken and prosecuted by either party, according to the provisions of the law last mentioned, without reference to the amount of the judgment.

Juries allowed—and exceptions to decision of justices according to provisions of law now in force.

SEC. 8. Any action of replevin, brought under the provisions of this act, may be tried by jury, according to the provisions of the law in force at the time, to allow juries before justices of the peace, in the same manner as would be lawful if said action had been expressly named in, and provided for by the law aforesaid; and the parties to any such action, respectively, shall have the same right of exception to the opinion of the justice of the peace, as now is, or may be allowed to the

parties, in other actions tried by jury. This act shall take effect and be in force from and after the first day of May next.

SEC. 9. The following forms shall be observed in proceedings under this act, as far as the same may be applicable :

FORM OF PRECIPE AND AFFIDAVIT.

A. B. }
vs. } In Replevin. Damages, \$
C. D. }

Forms.

Issue a writ of replevin for the the following goods and chattels, to wit: [*Here describe the articles.*]

E. F., Attorney for Plaintiff.

To G. H., Esquire, Justice.

State of Ohio, — county, ss.

The above named A. B. makes oath, and says, that he has good right to the possession of the goods and chattels described in the above precipe, and that the same are wrongfully detained from him by the said C. D.; and that the said goods and chattels were not taken in execution on any judgment against the said A. B., nor for the payment of any tax, fine or amercement assessed against him, nor by virtue of any writ of replevin, or other mesne or final process whatever, issued against the said A. B.

Sworn to and subscribed this — day of —, A. D., —, before me.

G. H., Justice of the Peace.

WRIT OF REPLEVIN.

The State of Ohio, — county, ss.

To any Constable of — township, greeting :

You are hereby commanded, that, without delay, you cause to be replevied unto A. B., the goods and chattels following, to wit: [*Here describe the property precisely as in the precipe;*] which C. D. wrongfully detains, as is said; and, also, that you summon the said C. D. to be and appear before me, at my office in said county, on the — day of —, A. D., —, at — o'clock [A. M. or P. M., *as the case may be,*] of that day, to answer unto the said A. B. for the unlawful detention of the goods and chattels aforesaid: Damages, \$—, [*amount stated in the precipe;*] and have you then there this writ. Witness, G. H., Justice of the Peace, this — day of — A. D., —.

ÉLIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate

February 14, 1846.

AN ACT

To extend the provisions of an act to punish the offences of cutting down or destroying fruit and ornamental trees, and stealing fruit and vegetables in certain counties of this state, passed March thirteen, one thousand eight hundred and forty-five, throughout the state.

The provisions of former act extended to all parts of the state.

No imprisonment—unless the property amount to fifty cents in value.

Extent of imprisonment.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled “an act to punish the offences of cutting down or destroying fruit and ornamental trees, and stealing fruit and vegetables in certain counties of this state,” passed March thirteen, one thousand eight hundred and forty-five, be and hereby is extended, and shall be in force in and throughout all parts of the state: Provided, however, that in all prosecutions under this act, or the act above referred to, the court shall not be authorized to inflict the punishment of imprisonment, unless the value of the property cut down, rooted up, severed, injured or destroyed, shall be found to be fifty cents or more, nor to imprisonment more than thirty days, when such value shall be one dollar or less, nor to imprisonment more than sixty days in any event; and so much of the act above referred to, as conflicts with this act is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after the first day of June next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 16, 1846.

AN ACT

To amend the act to abolish public executions.

When it is practicable, executions to take place within the walls of the jail.

When there is no jail, the sheriff to select a convenient place at the county seat.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases, in which the jail in any county is or shall be of such construction, that the sentence of death can be conveniently carried into execution within its walls, no inclosure need be prepared as is provided in the first section of the act to which this is an amendment, but such execution may take place within the walls of the jail.

SEC. 2. Whenever the sentence of death shall be about to be carried into execution, in any county in this state, which may at the time have no jail, it shall be the duty of the sheriff to cause such execution to be done agreeably to the provisions of this act, and the act to which it is an amendment, at such convenient place at the county seat, as he may select.

SEC. 3. Whenever the sheriff shall deem the presence of a military force necessary to carry into effect the provisions of this act, or the act to which this is amendatory, he shall make a written requisition upon the officer of the militia highest in command, then in his county, who shall issue the necessary orders to insure a compliance with the requisition of such sheriff.

The sheriff may require a military force if necessary.

SEC. 4. This act shall be in force from and after its passage.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 16, 1846.

AN ACT

To create the office of Attorney General, and to prescribe his duties.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be elected, by joint ballot of the two houses of the general assembly, an attorney general of the state, who shall be commissioned by the governor, and hold his office for the term of five years from the date of his commission, and who shall reside in, and keep his office at Columbus, in Franklin county.

Mode of election and term of office.

SEC. 2. Before entering on the duties of his office, he shall take an oath to support the constitution of the United States, and of the state of Ohio, and faithfully discharge the duties of his office; and shall also give bond to the state of Ohio in the sum of five thousand dollars, with sureties, to be approved by the auditor and treasurer of state, conditioned for the faithful discharge of the duties of his office, and for the faithful and prompt payment to the treasurer of state, or to such other officer or person as may be entitled to the same, all moneys which may come to his hands.

Officer to take an oath and give bond.

SEC. 3. He shall appear for the state in the trial and argument of all causes, criminal or civil, and in chancery, in the supreme court in bank, in which the state is a party for itself or for any county, or wherein the state shall be interested.

In what cases he shall act.

SEC. 4. He shall, also, when required by the governor, or either branch of the legislature, appear for the state in any court or tribunal, in any causes, criminal, civil, or in chancery, in which the state may be a party, or interested.

Same.

SEC. 5. He shall, at the request of the governor, secretary, auditor, or treasurer of state, prosecute every person who shall be charged, by either of those officers, with the commission of

Same.

an indictable offence, in violation of the laws which such officer is specially required to execute, or in relation to matters connected with his department.

Same. SEC. 6. He shall cause to be prosecuted the official bonds of all delinquent officeholders in which the state may be interested.

Same. SEC. 7. He shall give legal opinions to the governor, to the heads of the several departments of the state government, the board of public works, the canal fund commissioners, and to the legislature, or either branch thereof, when required thereto.

Same. SEC. 8. Upon complaint made to him that any incorporated company, by any act or nonuser, has offended against the act relating to informations in the nature of quo warranto, or any other law which hereafter may be enacted therefor, it shall be the duty of the attorney general to inquire into the cause of complaint, and, if he find probable cause for it, he shall cause proceedings in quo warranto to be instituted and prosecuted against such incorporation.

Same. SEC. 9. If he shall have knowledge that any incorporated company has so offended against such law, or whenever he shall be instructed by the supreme court, or by either branch of the legislature, to institute proceedings in quo warranto against any incorporated company, it shall be his duty to cause such proceedings to be instituted and prosecuted against such incorporated company.

Same. SEC. 10. It shall be his duty to prosecute all assessors, and other officers connected with the revenue laws of the state, for all delinquencies and offences against such laws that come to his knowledge.

Same. SEC. 11. It shall be his duty, whenever requested by the governor, secretary, treasurer, or auditor of state, to prepare proper drafts for contracts, obligations, and other instruments which may be wanted for the use of the state.

Shall direct prosecuting attorneys. SEC. 12. It shall be the duty of the prosecuting attorney of the proper county, on the requirement of the attorney general, to institute suits and prosecutions directed by this act, and to assist the attorney general in preparing the same for trial, and in the prosecution thereof.

To consult and advise with prosecuting attorneys. SEC. 13. It shall be the duty of the attorney general to consult with, and advise the prosecuting attorneys of the several counties, when requested by them, in all matters appertaining to the duties of their offices.

Duties of prosecuting attorneys. SEC. 14. It shall be the duty of the several prosecuting attorneys, annually, on or before the fifteenth day of November, to report to the attorney general a particular statistical account of all crime in their respective counties, specifying the number of persons prosecuted, the crimes for which they were prosecuted, the results thereof, the punishment awarded therefor, and the costs thereof, specifying what portion, if any, of such costs have been, or probably will be collected of the offenders or their

sureties, and also what proportion of the offences prosecuted were occasioned by, or committed under the influence of intemperance.

SEC. 15. The attorney general shall keep, in proper books, to be provided for that purpose, at the expense of the state, a register of all actions and demands prosecuted by him in behalf of the state, and of all proceedings had in relation thereto, and shall deliver the same over to his successor.

Keep a register of actions, &c.

SEC. 16. He shall, annually, on or before the fifteenth day of December, report to the general assembly all the official business done by him during the preceding year, together with a succinct tabular statement of the statistics of crimes in the several counties, required to be returned to him by the prosecuting attorneys.

Report to the legislature.

SEC. 17. He shall be entitled to receive, for his services, an annual salary of seven hundred and thirty dollars, to be paid in quarterly installments, computing time from the date of his actual qualification according to this act, and three and a half per centum on all sums of money collected by him in his official capacity: Provided, that the aggregate amount of compensation of the said attorney general shall not average, for the time which has expired of his term of office, more than thirteen hundred dollars annually. The account of the said attorney general for postage, arising from his official correspondence, shall be audited and allowed by the auditor of state, and be paid out of the state treasury.

Amount of salary, and how paid.

SEC. 18. Proceedings instituted by the attorney general against incorporated companies, may be prosecuted in the supreme court of Franklin county, notwithstanding the company or its officers may be situated in another county.

When proceedings may be instituted against incorporated companies.

SEC. 19. Suits authorized by this act may be brought, in the court of common pleas of Franklin county, against persons or companies owing debts to the state, in whatsoever county they, or any of them, may reside, when the attorney general shall state, under his hand, that he believes there is more than five hundred dollars due.

In what cases suits may be brought in Franklin county common pleas.

SEC. 20. In all causes arising under the two preceding sections, writs may be sent and returned, by mail, to and from any county in the state, and shall be served by the sheriff of such county, who shall be allowed the same mileage and other fees he would have been entitled to, had the writs been issued and made returnable in the county in which he resides.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

February 16, 1846.

AN ACT

To amend the act entitled "An act defining the powers and duties of justices of the peace and constables, in civil cases," passed March 14, 1831.

No stay of execution allowed, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no stay of execution shall hereafter be allowed on any judgment obtained by a constable, on account of any security taken by him for the delivery of property in accordance with the provisions of the eighty-third section of the act to which this is an amendment.

Justices of the peace may appoint constables in certain cases.

SEC. 2. That when it shall appear to a justice of the peace, in any township within this state, that the constable or constables therein are unable, from the pressure of official business, to perform all the duties of said office, it shall be deemed an additional cause to those mentioned in the one hundred and third section of the act to which this is an amendment, to authorize the appointment of a person to serve as constable for the time being, agreeably to the provisions of said section.

Regulations as to executions based upon writs of scire facias.

SEC. 3. That whenever any proceedings shall be had in any court of common pleas of this state, upon any writ of scire facias, to subject lands and tenements to execution upon any judgment rendered by a justice of the peace, pursuant to the eighty-ninth section of the act to which this is an amendment, in which execution shall be awarded in favor of the plaintiff, such execution shall be awarded and issue against the goods and chattels, lands and tenements, of the defendant, as in case of execution issuing upon any other judgment obtained in such court of common pleas.

Executions awarded upon writs of scire facias to operate as a lien.

SEC. 4. That whenever any execution shall be awarded upon any writ of scire facias as aforesaid, by the judgment of any court of common pleas as aforesaid, such award of execution shall operate as a lien upon the lands and tenements of the defendant or defendants, from the time of the award of such execution, as judgments at law in the same courts.

Indorsement on writs.

SEC. 5. That when any summons or other mesne process, against two or more defendants, shall be directed to any constable, it shall be his duty to serve the same on so many of the defendants as shall be found within his township or jurisdiction, and to indorse on the writ the name or names of such defendants as have been served with the same, and also the name or names of the defendants not served with the same, stating that they are not found in his jurisdiction.

How justices of the peace shall enter return, &c.

SEC. 6. That upon such return being made, the justice to whom such process is returned shall enter the return upon his docket, distinctly designating the defendants upon whom the writ was served, and those as to whom the return was made "not found," and shall proceed therein to final judgments against the defendant or defendants so found and served, as in other cases.

SEC. 7. That the plaintiff may, by a writ of scire facias, after obtaining judgment as aforesaid, cause any defendant or

defendants, on whom the original writ in said cause had not been served, to be made party to said judgment, unless he or they show good cause why judgment should not be rendered against them; which scire facias may be directed to any constable of any township in the county where the defendant resides, and shall be returned served before any judgment shall be rendered against any such defendant; and the defendant so made party to the said judgment, shall be liable to the same execution as he would have been liable to had he been served with the original process in said suit, and shall be entitled to give bail for stay of execution upon such judgment entered against him, as in other cases.

Defendants on whom original writ had not been served may be made parties.

SEC. 8. In all cases in which bail for stay of execution is given, as now is or may hereafter be provided by law, and the justice rendering such judgment, or his successor, shall, before the expiration thereof, become satisfied that such bail is insufficient, it shall be his duty to give, or cause to be given, written notice thereof to the defendant, or, in his absence, by leaving the same at his place of residence, requiring him to give additional bail; and if such defendant shall refuse or neglect to give such additional bail on or before the third day after such notice shall have been given as aforesaid, the said justice by whom the judgment was rendered shall enter the fact of such notice on his docket, and shall forthwith issue execution against said defendant for collection of said judgment; and if such justice shall be the successor of the justice who rendered the judgment, he shall forthwith issue a scire facias against the defendant, on said judgment, and proceed to judgment and execution, as is or may hereafter be provided for by law for writs of scire facias founded upon certified transcripts from other justices of the peace; but if such defendant shall, within ten days after the issuing of such execution, give further bail for the stay of execution, to the satisfaction of the justice, the execution shall be recalled and stayed until the expiration of the original stay of execution.

If bail for stay of execution is insufficient, the justice may require additional security.

SEC. 9. In all cases where bail is given for the stay of execution upon any judgment rendered by any justice of the peace, and the defendant against whom such judgment was rendered shall die before the same is satisfied, the bail, in such cases, shall be liable to be proceeded against, upon his recognizance, in the same manner as though execution had been issued against such defendant, and returned not satisfied for want of goods and chattels whereon to levy.

In case of death of defendant, execution may issue against bail, although execution had not been issued against decedent.

SEC. 10. That all laws and parts of laws inconsistent with this act, be, and the same are hereby repealed. This act to take effect and be in force from and after the fourth day of July next.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

February 17, 1846.

AN ACT

To amend the act entitled "An act for the relief of insolvent debtors," passed March 12, 1831.

Rights and credits of insolvents may be sold in the same manner as personal property.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases, when rights and credits shall be assigned or conveyed to the commissioner of insolvents of any county in this state, by virtue of the act to which this is an amendment, it shall be the duty of such commissioner to sell, in the same manner as is provided, by said act, for the sale of the personal property of the insolvent, all such rights and credits as such commissioner, by the fortieth section of said act, is required not to put in suit at the expense of the estate of the insolvent.

How vacancy in the office of commissioner to be filled.

SEC. 2. Whenever the office of commissioner of insolvents shall be vacant, or in case of the death, absence, or inability of said commissioner, the duties of commissioner shall temporarily be discharged by a master commissioner in chancery.

SEC. 3. The fiftieth section of the act to which this is an amendment is hereby repealed.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 19, 1846.

AN ACT

Prescribing the times of holding the Courts of Common Pleas in the county of Mahoning, in the Third Judicial Circuit.

Third circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall hereafter be held, in the county of Mahoning, in the third judicial circuit, on the second Monday of May, and the second Monday of September.

Governed by the provisions of seventh judicial circuit.

SEC. 2. The second, third and fourth sections of an act passed during the present session of the general assembly, prescribing the time of holding the courts of common pleas in the seventh judicial circuit, shall be deemed and taken as parts of this act.

SEC. 3. This act shall take effect from and after its passage.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 20, 1846.

AN ACT

To amend an act directing the mode of proceeding in chancery.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no writ of injunction shall hereafter be allowed under the provisions of the act to which this is an amendment; nor shall any receiver be appointed, as hereinafter provided for, unless reasonable notice of the application therefor shall have been given to the adverse party, his agent, attorney or solicitor: Provided, if the complainant, his agent, attorney or solicitor, shall state, by affidavit, that such notice will affect injuriously the rights of the complainant, in the premises, the court or judge may, in the exercise of a sound discretion, dispense with the notice aforesaid.

Reasonable notice to be given to adverse party before a writ of injunction can be allowed

Proviso.

SEC. 2. The supreme court, or any judge thereof, and the court of common pleas, or any president judge thereof, and the superior court of Cincinnati, or the judge thereof, shall have power to appoint receivers in all cases in which, according to the usages and practice of courts of equity, it ought to be done; and to require such receivers to take an oath, and give bond to the state of Ohio, in such sum and with such security for the faithful performance of their duties, as shall be deemed just and reasonable.

Who may appoint receivers

Bond to be given.

SEC. 3. Receivers, who have been or hereafter shall be appointed, may, at the discretion of the court or judge appointing them, be authorized and required, among other things, to collect, settle, and compound for, or by suit in their own names or otherwise, to recover any debt, claim, demand, matter or thing, belonging to or concerning the property, estate or business committed to them; and such receivers shall also be required to report, from time to time, their doings in the premises, to the end that the same may be received and confirmed, or set aside by the court, as may appear to be just and proper.

What receiver may do under the direction of the court.

SEC. 4. In all actions or suits in the name of any receiver, the defendants shall have the same rights of defence and set-off which he would have had if this act had not passed.

Rights of defence not impaired.

SEC. 5. This act shall take effect and be in force from and after the first day of June next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 21, 1846.

AN ACT

To amend an act entitled "An act defining the duties of sheriffs and coroners in certain cases," passed February 25, 1824.

Coroners acting as sheriffs may have the same powers and privileges as sheriffs in appointing deputies.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it shall be the duty of a coroner to act as sheriff, on account of a vacancy in the office of sheriff, he shall have the same authority to appoint deputies as is conferred upon sheriffs by existing laws, and said appointment, when so made, shall be approved and evidenced in the same manner; and the said coroner, when so discharging the duties of sheriff as aforesaid, shall have the same power to take bond and security from such deputy, and be answerable for the neglect of duty, or misconduct in office of such deputy, in the same manner and degree; and such deputy shall take the same oath or affirmation, and have the same powers, and be subject to the same duties, as is or may be provided for by any law in force at the time, in the case of deputies appointed by sheriffs.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

February 21, 1846.

AN ACT

To provide for the erection of a new state house.

Three commissioners to be appointed—the length of time.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be appointed, by joint resolution of both branches of this general assembly, three commissioners, under whose direction, or the direction of a majority of them, the work upon the new state house, heretofore commenced in the public square, in the city of Columbus, shall be continued, and prosecuted to its final completion; and that the plan presented to the last legislature, accompanying the report of the commissioners acting under a joint resolution of the general assembly of the year one thousand eight hundred and forty-three and four, be, and the same is hereby adopted for the said new state house: Provided, that the said commissioners may make such modifications in the details of the said plan, during the progress of the work, as they may deem expedient and proper; provided, however, such alterations shall in no wise increase the aggregate cost of the said state house. Said commissioners shall, severally, take an oath or affirmation to discharge, faithfully, the duties assigned them by this act, or the act of any future legislature, relative to this subject. Should

Allowed to make modification of plan, upon certain considerations.

any vacancy happen in the board of commissioners, the governor shall fill the same, by appointment, until the end of the next succeeding session of the general assembly, when an appointment shall be made as hereinbefore provided.

SEC. 2. That it shall be the duty of the commissioners, so soon after their appointment as they may deem expedient, to elect, from their own body, a president and secretary; the president shall, when present, preside at all meetings of the board, and shall sign all official documents; the secretary shall keep a full and true record of all the proceedings, and an account of all money and labor appropriated and expended, shall countersign all orders for the payment of money; and, annually, within the first week of the session of each general assembly, the board shall make to that body a full report of their proceedings for the year ending on the first day of the preceding November. In all payment made on account of the state house, the treasurer shall take duplicate receipts, one of which shall be retained by him, and the other shall be deposited, at the close of the fiscal year, with the auditor of state.

Commissioners to elect a president and secretary.

Their duties.

SEC. 3. The said commissioners shall have power to appoint a superintendent, architect, and all other agents necessary for the successful prosecution of the work committed to their charge, who shall be paid a reasonable compensation for their services, out of the state house fund. The superintendent, architect, and all other agents, shall hold their appointment at the pleasure of the commissioners, but shall not be removed from office without good cause shown, and by the majority of the board concurring therein; the superintendent shall take an oath or affirmation to discharge the duties assigned him faithfully and diligently, and shall, under the direction of the commissioners, contract for and procure all the materials proper for the construction of the new state house; he shall, in like manner, contract for all labor and workmanship necessary for the same, excepting such as may be furnished by the Ohio penitentiary, under the provisions of this act; he shall superintend the erection of said work, and inspect all materials and workmanship, so as to secure to the state a building of the most durable and substantial character; he shall certify to all accounts for labor done, or for materials furnished, which accounts shall be countersigned by the secretary, and then paid by the treasurer: Provided, however, that the said commissioners shall have no power to contract any debts whatsoever, beyond the revenue appropriated for the building of such state house, in the fifth section of this act.

Power of commissioners in the appointment.

Of other officers.

Duties and obligations of superintendent.

SEC. 4. That all moneys, in any way appropriated for this purpose, shall be drawn from the treasury by the warrant of the auditor of state, payable to the order of said commissioners, signed by the president, and countersigned by the secretary; which money, so drawn, shall be deposited with the treasurer of state, who is hereby constituted treasurer of the state house fund.

How money to be used, drawn and paid.

Amount of labor and profits appropriated.

SEC. 5. That there is hereby appropriated, for the construction of said building, during the present and each succeeding year, all the surplus labor and net profits of the Ohio penitentiary, and all money now due to the said institution upon contracts; which net profits shall be paid quarterly to the treasurer of the state house fund, in the manner prescribed in the next preceding section. Whenever any present contract for convict labor shall expire, by limitation or otherwise, such contract shall not be renewed, and all prisoners employed upon such contract shall thereafter be employed upon the work aforesaid: Provided, that the directors and wardens shall, at all times, employ upon contracts, the business of which, in their opinion, conflicts least with free mechanical labor, so many of the convicts as may be necessary to defray the expenses of the institution, and no more; provided, further, that nothing in this act shall be taken to interfere with any legally existing contracts for convict labor, so far as it respects the number of men now employed, or with contracts for the payment of money, previously entered into by the officers of said institution, or with the grant of penitentiary labor heretofore made by law for the completion of the Ohio Lunatic Asylum. The convict labor, above specified, shall be appropriated as the commissioners may direct, but under the supervision and control of the warden of the penitentiary.

Provision as to present contracts.

SEC. 6. That all limestone, necessary for the erection of the said building, may be taken from the quarries recently purchased by the directors and warden of the Ohio penitentiary, for the use and benefit of the state; and that the railroad, now in progress of construction from the said stone quarries to the penitentiary, shall be free for the transportation of all stone which may be required as aforesaid.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 21, 1846.

AN ACT

To provide for a uniform standard of weights and measures.

Uniform standard.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be but one standard of measure, of length, and surface, one of weight, and one of measure of capacity, and also a standard hydrometer for ascertaining the strength of spirituous liquors throughout this state.

SEC. 2. That the standard of weights and measures furnished the state of Ohio by the secretary of the treasury of the

United States, under a resolution of congress, approved June fourteenth, one thousand eight hundred and thirty-six, shall hereafter be the legal standard of weights and measures in this state.

The standard furnished by congress to be the legal standard.

SEC. 3. That all articles usually sold by heaped measure, shall be heaped up in a conical form as high as the articles to be measured will admit.

Mode of measure.

SEC. 4. That measures for measuring dry commodities not usually heaped, shall be striked with a straight stick with the edge rounded.

Same.

SEC. 5. That the standards of weights and measures adopted by this act, shall be deposited in the office of the secretary of state, who is hereby ex officio made sealer of weights and measures of this state, and that the same shall be kept in the boxes which have been furnished by the general government, and only opened for the sole purpose of comparing such standard with the copies hereinafter provided for the use of the several counties, unless by a joint resolution of both houses of the general assembly, or upon the call of either house for information, or by order of the governor for scientific purposes.

Place of deposit of standard and regulations concerning.

SEC. 6. That copies of the said original standards shall be procured by the state sealer, of the following materials, for the use of each county in this state, to wit: one half bushel measure of one-eighth inch copper, with brass rim; one gallon measure of one-sixteenth inch copper, with brass rim and handle; one half gallon, one quart, one pint, and one half pint measures, to be made in the same manner, and of the same material; fifty, twenty-five, twenty, ten, five, four, three, two, and one pound weights, avoirdupois, to be made of cast iron, turned, polished and tinned; and one half pound, one quarter pound, two ounce, one ounce, half ounce, and quarter ounce weights, troy, to be made of brass; one brass yard measure, graduated into feet, inches, and tenths.

Copies of original standard to be procured for the counties.

SEC. 7. That copies of the said original standards, made in the manner aforesaid, shall be deposited by the state sealer, or some one under his direction, in the several county auditors' offices in each county in this state, on or before the first Monday of December, one thousand eight hundred and forty-six; and the county auditor of each county in this state, is hereby made county sealer of weights and measures in his county, and shall be responsible for the preservation of the copies respectively delivered to them.

The aforesaid copies to be deposited with county auditors

SEC. 8. That the state sealer shall cause to be impressed upon each of said standards the letter O, and such other device for each county as he may direct, prior to the deposit thereof in the several county offices, which device shall be recorded in the office of the state sealer, and a copy of such record furnished to the several county sealers.

Mark to be made on standard.

SEC. 9. That the state sealer shall furnish the town sealer of each incorporated town and city in this state, copies of the

Copies to be furnished to

cities and towns at their cost. said original standards at the expense of said town or city, with such device as the constituted authorities of such incorporated town or city shall direct.

Comparison to be made. SEC. 10. That such town or city sealer shall compare the copies in their possession with those in the office of the county sealer, in the several counties, once in three years.

Same. SEC. 11. That the several county and town sealers shall compare all weights and measures, which shall be brought to them for that purpose, with the above mentioned copies of such standards in their possession; and when they are made to compare to the legal standards, the officer comparing the same shall seal and mark such weights and measures.

Prices for sealers marking, &c. SEC. 12. That each sealer shall be allowed to receive for his services at and after the following rates: for sealing and marking every beam, twelve and one-half cents; for sealing and marking measures of extension, at the rate of twelve and one-half cents per yard, not exceeding twenty-five cents for any one measure; for sealing and marking every weight, three cents; for sealing and marking liquid and dry measures, if the same be of one gallon or more, twelve and one-half cents, and if less than one gallon, three cents; and a reasonable compensation for making such weights and measures conform to the standards established by this act.

Provision for vacancies in office. SEC. 13. That whenever any county sealer shall resign, be removed from office, or remove from the county, it shall be the duty of the person so resigning, removed, or removing, to deliver to his successor in office all the standards, beams, weights, and measures in his possession; and in case of the death of any such sealer of weights and measures, his representatives shall, in like manner, deliver to his successor in office such beams, weights and measures.

Remedy for noncompliance with previous sections. SEC. 14. That in case of a neglect or refusal to deliver such standards entire and complete, the successor in office may maintain an action on the case against the person or persons so refusing or neglecting, and recover double the value of such standards as shall not have been delivered, with costs of suit, and shall be retained by the person recovering the same, and shall be by him appropriated to the purchase of such standards as may be required in his office.

Using false weights—damages how obtained. SEC. 15. That if any person or persons shall hereafter use any weights, measures, or beams, in weighing or measuring, which shall not be conformable to the standards of the state established by this act, whereby any purchaser of any commodity or article of traffic shall be injured or defrauded, such person may maintain an action on the case against the offender, and if judgment shall be rendered for the plaintiff, he shall recover double damages and costs of suit.

Surveyors evidence not admissible, un- SEC. 16. That no surveyor shall give evidence in any cause pending in any of the courts of this state, or before arbitrators, respecting the survey or admeasurement of any lands, unless

such surveyor shall make oath, if required, that the chain or measure used by him was conformable to the standards of this state. less his measures conform.

SEC. 17. That the provisions of the two preceding sections shall not be enforced in any county, unless such county shall have been furnished with copies of the standards of this state by this act established, at least six months previous to the measuring or surveying mentioned in those sections. Proviso as to regulation of preceding sections.

SEC. 18. That every county sealer of weights and measures shall be authorized and empowered to appoint, by writing, under his hand and seal, a deputy, whose duty it shall be to compare weights and measures, brought to the office of the county sealer for that purpose, with the above mentioned copies of the original standards in the possession of said county sealer, and who shall receive for the performance of that duty the compensation in each case provided by the twelfth section of this act. County sealers may appoint deputies.

SEC. 19. That the state sealer, whose duty it is made to procure and deliver said copies to the several county sealers, shall present his account to the state auditor for all sums by him paid, and liabilities incurred, in procuring and delivering the same, and for his services rendered therein; and the auditor of state shall audit the same, and draw his order upon the state treasurer in favor of the state sealer for the amount which he finds due, and the treasurer of state shall pay the same out of any money in his hands belonging to the general revenue fund. Duty of State sealer, and mode of compensation.

SEC. 20. That an act regulating weights and measures, passed March fifth, A. D., one thousand eight hundred and thirty-five, be, and the same is hereby repealed.

SEC. 21. That the secretary of state shall invite proposals for the furnishing of the standards aforesaid, by advertising in the Ohio State Journal, Ohio Statesman, and Cincinnati Gazette, for four consecutive weeks, the last publication to be at least one week prior to the letting; and that the contract shall be assigned to the lowest responsible bidder. Publication for proposals.

SEC. 22. That the hydrometer heretofore constructed by Elisha and Charles Dwelle, be, and is hereby established as the standard hydrometer for ascertaining the strength of spirituous liquors in this state; and the strength of proof (as designated by that hydrometer) shall be of the specific gravity of 93.67 at the temperature of 60 of Fahrenheit thermometer, distilled water at the same bulk, and temperature being reckoned ten thousand. Regulation as to hydrometers.

SEC. 23. It shall be the duty of the governor of this state, within thirty days after the passage of this act, and at periods of every five years thereafter, to appoint one or more adjusters Governor to appoint adjusters of hydrometers.

of hydrometers for the use of inspectors and others in this state who shall continue in office for a term of five years, and ,until their successors are appointed.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

February 21, 1846.

AN ACT

To amend the "Act for the appointment of guardians," passed February six, one thousand eight hundred and twenty-four.

Duty of executors and administrators of guardians.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any guardian has died, or hereafter may die before the settlement in court of his or her guardianship account, it shall be the duty of the executor or administrator of such guardian to settle up said account, in the same manner as the guardian ought to have done; and that any person having an interest in the settlement of such account, may, by citation, according to the provisions of the "act to provide for the settlement of the estates of deceased persons," passed March twenty-three, one thousand eight hundred and forty, compel such settlement to be made by the administrator or executor of any guardian dying or having died, as aforesaid.

Compensation of executors and administrators.

SEC. 2. The executor or administrator making such settlement as is above provided for, shall be allowed such compensation for the same as the court with which the settlement is made shall deem reasonable.

Provision as to the sale of real estate.

SEC. 3. That no sale of real estate shall be made under the provisions of the act to which this is an amendment, unless the court shall be first satisfied that such sale will be for the benefit and advantage of such ward or wards, or necessary for his, her or their maintenance and education, or for either of such purposes; and the guardian or guardians shall be governed, in the execution of any order of sale in the premises, by the same regulations that may be prescribed, and in force at the time such order is made, for the sale, by administrators, of the lands of intestate estates.

Nonresident guardians have the same privileges in courts as other nonresidents.

SEC. 4. That guardians of minor children residing out of this state, and who have been appointed according to the laws of the state or territory wherein they may reside, shall have full right and authority to commence and carry on to final judgment and execution, in the proper courts of this state, any suit in law or equity for and on behalf of their respective wards, in the same manner that they might, or could do if they were residents within, and had been appointed under the laws of this

state, upon giving security for costs in the same manner that other nonresident plaintiffs are bound to do under the laws of Ohio.

SEC. 5. That any next friend residing within or without this state, or any such foreign guardian, as aforesaid, shall have the same power and authority to make leases or demises for and on behalf of any minor children whose next friend or guardian such person may be, in order to commence and maintain any action of ejectment on behalf of such minor children that might or could be made by any guardian of such children who may reside within, and have been appointed according to the laws of this state.

The same privileges granted in the fourth section to non-resident guardians here given to next friends.

SEC. 6. When any unmarried woman who has been heretofore, or shall be hereafter appointed guardian of any minor or minors under the act to which this is an amendment, shall hereafter marry, her husband shall not, in virtue of such marriage, acquire any right or interest to, or in such guardianship, but such marriage shall of itself operate as an extinguishment of the guardianship of such woman: and the court of common pleas of the proper county shall, on the application of such minor or minors, or any proper person on their behalf, proceed to appoint another guardian or guardians, to whom all the credits, property and estate of such minor or minors shall, on demand, be delivered up by such former guardian; and she shall forthwith render her guardianship account to the court of common pleas from which she received her appointment, for final settlement thereof.

No husband by virtue of marriage shall acquire any interest in a guardianship which was previously exercised by wife.

SEC. 7. Nothing contained in this act shall apply to testamentary guardians in cases wherein it is otherwise expressly provided by the last will and testament, whereby they were appointed, nor to deprive the courts of chancery in this state of any jurisdiction which they may have over the persons or estates of infants, and in matters of their guardianship.

Cases on which this act does not apply.

SEC. 8. The court by which any guardian or guardians has been or shall be appointed, may, for reasons satisfactory to the court, accept the resignation of any such guardian or guardians, and appoint another or others in their stead; and when any guardian, appointed by any court in this state, shall remove out of the state, and shall, after receiving reasonable notice, or being cited by the court in such manner as the court shall direct, refuse or neglect to render and settle his guardianship account, according to law, or when any guardian so appointed, shall abscond, become insane, or otherwise incapable of discharging the trust, or evidently unsuitable therefor, the court shall remove any such guardian; and in case of a joint guardianship, the other and remaining guardian or guardians shall proceed in the discharge of the trust as the sole guardian or guardians; and if there be no such remaining guardian or guardians, such court shall appoint another guardian or guardians: Provided, however, that any such removal, as aforesaid,

Duty of courts in cases specified.

shall in no wise impair any liability of any such removed guardian, or of the sureties thereof, previously incurred upon the guardianship bond ; and any guardian or guardians appointed in the stead of any such removed guardian, may enforce any and all such liabilities and have all other proper remedies, both at law and in equity, for the protection and enforcement of the rights and interests of the ward or wards.

SEC. 9. That this act shall take effect and be in force from and after the fourth day of July next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.

SEABURY FORD,
Speaker of the Senate.

February 23, 1846.

AN ACT

Supplementary to the " Act to provide for the State Printing," passed March 12, 1845.

Notice to be
given for sealed
proposals.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the secretary of state shall, during the first week of April next, proceed to give notice, in two newspapers having the largest circulation, printed in the city of Columbus, that sealed proposals will be received at his office, until the first Monday of June next thereafter, for the executing the several branches of the state printing, in separate contracts, for the term of three years from and after the first day of July, A. D., one thousand eight hundred and forty-six, pursuant to said " Act to provide for the state printing," passed March twelfth, one thousand eight hundred and forty-five ; which proposals shall, in all respects, be made in conformity to the provisions of said act, and shall, during the week next succeeding said first Monday of June next, be opened and examined ; and contracts for said printing shall be awarded pursuant to the act aforesaid, except in so far as the same is modified by the provisions of this act.

Printing to be
executed ac-
cording to a
law passed
March 12, 1845.

What bids can-
not be received.

SEC. 2. That no bid shall be received by said secretary of state, except from some responsible practical printer or printers, or some responsible person or persons engaged in carrying on the business of printing within this state ; nor shall any contract be awarded upon any bid, except to some practical printer or printers, or some person or persons engaged in carrying on the business of printing within this state, and who the officers awarding such contract shall be satisfied has the means of efficiently executing such printing : Provided, that if any bidder, to any one or more of the several branches of the state printing, shall, at the time of making his bid or bids, file with the secretary of state a bond, payable to the state of Ohio, in the

Amount of
bond to be giv-
en, and when.

sum of three thousand dollars, if he shall bid for but one branch of the state printing; and if he shall bid for more than one branch, then in such sum as shall be equal to three thousand dollars for each branch of said printing bid for, with three responsible sureties residing in this state, conditioned that if any contract shall be adjudged to such bidder, pursuant to his bid, he shall, within twenty days after being notified thereof, enter into satisfactory bond for the execution of such printing, pursuant to the act to which this is supplementary. The filing of such bond shall be deemed sufficient evidence that such bidder is responsible, and has the means of efficiently executing such printing.

SEC. 3. If any bond, filed as aforesaid, shall become forfeit, the state shall be entitled to recover thereon such sum as will be equal to the difference between the actual cost of such printing, and the sum that the same printing would have cost had the contract awarded to such bidder been faithfully executed pursuant to his bid.

How much may be recovered if bond is forfeited.

SEC. 4. That the notices, required to be given by the first section of this act, shall be published in said newspapers as often as once in each week, from the first week of April next to the first Monday in June next.

How often notice to be published.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 21, 1846.

AN ACT

To require mortgages or bills of sale of personal property to be deposited with township clerks.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That every mortgage or conveyance, intended to operate as a mortgage of goods and chattels, hereafter made, which shall not be accompanied by an immediate delivery, and be followed by an actual and continued change of possession of the things mortgaged, shall be absolutely void, as against the creditors of the mortgagor, and as against subsequent purchasers and mortgagees in good faith, unless the mortgage, or a true copy thereof, shall be forthwith deposited as directed in the succeeding section of this act.

Mortgages on personal property void, unless accompanied by delivery of goods or deposit of a copy of the mortgage, as provided for in section 2.

SEC. 2. The instruments mentioned in the preceding section, shall be deposited with the clerk of the township in this state, where the mortgagor therein, if a resident of this state, shall reside at the time of the execution thereof; and if not a resident, then with the clerk of the township where the property so mortgaged shall be at the time of the execution of such instrument.

Provision as to resident and non-resident mortgagors.

Duty of clerk.

SEC. 3. Upon receipt of any such instrument, the clerk receiving it shall file the same, and indorse thereon the time of receiving it, and shall deposit the same in his office, to be kept there for the inspection of all persons interested.

Mortgage operative for one year, and may be renewed.

SEC. 4. Every mortgage, so filed, shall be void, as against the creditors of the person making the same, or against subsequent purchasers or mortgagees in good faith, after the expiration of one year from the filing thereof, unless, within thirty days next preceding the expiration of the said term of one year, a true copy of such mortgage, together with a statement exhibiting the interest of the mortgagee in the property at the time last aforesaid claimed by virtue of such mortgage, shall be again filed in the office of the clerk of the township where the mortgagor shall then reside, if in this state; and if his residence shall not be in the state, then in the office of the clerk of the township in which such property shall then be.

Copies of mortgage may be used in evidence.

SEC. 5. A copy of any such original instrument, or of any copy thereof, so filed as aforesaid, including any statement made in pursuance of this act, certified by the clerk in whose office the same shall be filed, shall be received in evidence but only of the fact that such instrument or copy, and such statement, was received and filed according to the indorsement of the clerk thereon, and of no other fact; and, in all cases, the original indorsement by the clerk, made in pursuance of this act, upon such instrument or copy, shall be received in evidence only of the facts stated in such indorsement.

Fees of clerk.

SEC. 6. For services under this act, the clerks shall be entitled to receive the following fees: For filing each instrument or copy, six cents; for searching each paper, six cents; and the like fees, for certified copies of such instruments or copies, as are allowed by law to county recorders for copies and certificates of records kept by them.

The deposit to be made with county recorders in cases specified.

SEC. 7. In all townships in which the office of the recorder of the county is kept, such instrument shall be deposited with him, and he shall perform the duties imposed upon and be entitled to the fees provided for township clerks in this act; and his certificate shall have the same force in evidence; and the recorder of Hamilton county shall number every such instrument left with him, and shall enter in a book, to be provided by him, alphabetically, the names of all the parties to such instrument, with the number indorsed thereon opposite each name, which entry shall be repeated, alphabetically, under the name of every party thereto; and the said recorder of Hamilton county shall be entitled to receive, for such entries, six cents for every party to such instrument.

Special duty of recorder of Hamilton county.

SEC. 8. This act shall take effect on the first day of April next.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

• February 24, 1846.

AN ACT

In relation to the Public Arms, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any officer of the militia of said state of Ohio, having received from the commandant of any militia brigade within this state, any public arms or accoutrements, and executed his bond to said commandant of such brigade for their safe keeping and delivery, in pursuance of the law regulating the distribution of the public arms, and the same or any part thereof shall be impaired, injured, damaged or destroyed by inevitable or unavoidable accident or casualty, it shall be, and hereby is made the duty of the commandant of the brigade, on application of said officer, and on full and indubitable proof, under oath or affirmation, being presented to his full and entire satisfaction, that the same or any part thereof have been so impaired, injured or destroyed, to credit said bond or receipt, or so much thereof as will cover such loss.

Commandants of brigade, on proof, may release officers from penalties incurred.

SEC. 2. It shall be, and is hereby made the duty of such commandant of brigade, when any such credit or receipt has been made, in his annual report to the commandant of the proper division, to report the same distinctly and particularly, together with the testimony in the case.

Must report to commandant of division.

SEC. 3. That the commandant of division, in his annual report to the adjutant general, shall, and hereby is required to report, in like manner, as to such credit or receipt and its cause and extent; and it shall be the duty of the adjutant general to make a record thereof in the books of his office.

Commandant of division to report to Adjutant General.

SEC. 4. The commandants of brigades shall have authority to fix the time of holding the brigade encampment at any time between the first day of August and the twentieth day of September, and to give notice of, and hold the courts of appeal within thirty days after the encampment, with power to adjourn from day to day until the business shall be finished.

Times of holding brigade encampments; and courts of appeal to be formed by commandants.

SEC. 5. The commandants of brigades shall have power to appoint a brigade chaplain, and surgeon, to rank as captain; and the surgeon shall constitute one member of the court of appeal, and it shall be his duty to attend the same.

Power to appoint chaplain, &c.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

February 24, 1846.

AN ACT

Further to amend the act allowing Juries before Justices of the Peace.

The plaintiff
not to pay costs
in case speci-
fied.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act passed March fourth, one thousand eight hundred and forty-five, to amend the act allowing juries before justices of the peace, shall be, and the same is hereby so amended, that where, under the provisions of the said amendatory act, the defendant shall be the appellant, the plaintiff shall not be adjudged to pay the costs in the court of common pleas by reason of his not recovering a larger sum than twenty dollars, exclusive of interest.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 26, 1846.

AN ACT

In relation to the Clerks of Courts.

No resigning
clerk can be re-
appointed prin-
cipal or deputy
clerk.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the clerk of any of the courts of this state resigns his office for the purpose, and with the intent thereby to create a vacancy, that the same may be filled by his own reappointment or by the appointment of some one who will appoint him his deputy; or whenever the clerk of any of the courts in this state shall be removed from his office, such clerk shall be ineligible to the office of clerk or deputy clerk of such court for the period of five years next after such resignation or removal.

A clerk cannot
be an adminis-
trator of an es-
tate.

SEC. 2. That no clerk of a court of common pleas shall be appointed by the court of which he is clerk, administrator of the estate of any deceased person, unless he is entitled to such administration as next of kin to such deceased person.

Clerks author-
ized to adminis-
ter oaths in cer-
tain cases.

SEC. 3. Clerks of courts shall have power to administer oaths and affirmations in all cases where an oath or affirmation is required to any paper to be filed in their respective offices, and in all other cases where an oath or affirmation is required in any proceeding in a cause or matter pending in the courts of which they are clerks.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 26, 1846.

AN ACT

To provide for the safe keeping and preservation of the records, maps, and other papers, relating to the public surveys of lands within the state of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the secretary of state to take charge of the field notes, maps, records, documents, papers, and implements of every description, relating to or used in the surveys of the public lands within said state of Ohio, which have been delivered to the executive of said state, by the surveyor of the United States, at Detroit, by order of the general government of the United States.

The Secretary of State to take charge of field notes, &c.

SEC. 2. It shall be the duty of the secretary of state, upon application, to furnish copies of field notes, records, and other documents, placed under his charge by this act, and which said copies, when authenticated by the certificate and signature of said secretary of state, under his official seal, shall be received as legal evidence in all courts within this state.

Copies to be furnished, &c.

SEC. 3. Said secretary of state shall prepare a code of general rules or instructions for the government of county surveyors, which, when approved by the governor, shall be printed, and a copy thereof furnished to each county surveyor within this state, who, with their successor in office, in the discharge of their duties, shall be governed by said rules and instructions, so far as they may be applicable.

A code of general rules and instructions to be prepared.

SEC. 4. The secretary shall be entitled to receive the following fees for copies furnished from his office, to be paid by the counties or individuals applying therefor, which said fees shall be applied to the payment of clerk hire in said office, viz : For a legally authenticated copy of a map of a township, two dollars and fifty cents ; for a copy of the field notes of all the corners within a township, one dollar and fifty cents ; for a copy of a township map, and field notes of all the corners therein, in any county, with maps, and bound and lettered, four dollars per township ; for a copy of the complete field notes of all the surveys of a part of a township, not less than one-fourth thereof, or of one or more entire townships, at the rate of ten cents per hundred words ; for copies of complete field notes of surveys of less than one-fourth of a township, ten cents per hundred words ; for a copy of any document, or part thereof, ten cents per hundred words ; for a copy of the plat of a section, or part thereof, with field notes of corners, twenty-five cents ; for like copy of each additional section, or a part of a section, fifteen cents ; for affixing seal of office to copies, fifty cents.

Fees.

SEC. 5. This act shall take effect and be in force from and after the first day of March next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate

February 26, 1846.

AN ACT

In aid of the law regulating suits by and against companies and partners.

In suits against incorporated companies, it is not necessary to set forth in process, &c., the names of persons in the company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any company or association of persons, formed for the purpose of carrying on any trade or business, or for the purpose of holding any species of property within the state of Ohio, and not incorporated as such, may sue or be sued, in any of the courts of this state, by such usual or ordinary name as such company, partnership or association may have assumed to itself or be known by; and it shall not be necessary in such case to set forth, in the process and pleadings, or to prove at the trial, the names of the persons composing such company.

How process to be served.

SEC. 2. That process against any such company or firm, under the provisions of this act, shall be served by a copy left at their usual place of doing business within the county; and executions issued on any judgments rendered in such proceedings, shall operate only on the partnership property.

Security to be given for costs.

SEC. 3. That in cases where a company shall sue under this act, by its partnership name, or name of association, such company shall procure the writ to be indorsed by a responsible surety, resident of the county where suit is brought, for costs, or give security for costs in other sufficient form.

How the individual property of persons or a firm to be reached.

SEC. 4. That if the plaintiff, in any judgment so recovered against a company or partnership, shall seek to charge the individual property of the persons composing such company or firm, it shall be lawful for him to file a bill in chancery against the several members thereof, setting forth his judgment and the insufficiency of the partnership property to satisfy the same; and to have a decree for the debt, and an award of execution against all such persons, or any of them, as may appear to have been members of such company, association or firm.

Former laws not repealed.

SEC. 5. The remedies given in this act shall not be considered as repealing the laws in relation to suits by and against companies and partners, but as in addition to such remedies.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

February 27, 1846.

AN ACT

To prevent the rafting of saw-logs and timber on the Canals of this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the thirty fifth section of an act to provide for the protection of canals of the State of Ohio, the regulation of the navigation thereof, and for the collection of tolls, passed March twenty third eighteen hundred and forty, as prohibits the rafting of round or unhewn timber on any of the canals of this State, be and the same is hereby repealed; and that the board of public works may, if in their opinion it be expedient, make such regulations as they may think proper and necessary to regulate the rafting of such timber as aforesaid, and the tolls to be paid thereon.

Former law repealed.

Discretionary power given to the board.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 27, 1846.

AN ACT

To amend an act to provide for the government of the Ohio Lunatic Asylum.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of directors of the Ohio Lunatic Asylum shall hereafter consist of six members, who shall be appointed by joint resolution of the general assembly. Two directors shall be appointed at the present session of the legislature, one for five years and the other for six years, and hereafter, as the term of office of any director shall expire, a successor shall in like manner be appointed for the term of six years.

Change in the term of office of directors.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 27, 1846.

AN ACT

For the better regulation of the Surplus Revenue.

Duties of county fund commissioners and county auditors

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county fund commissioners, in each county shall, on or before the first Monday of June next, transfer and deliver to the auditor of the county, all notes, bonds, mortgages, and evidences of debt for surplus revenue, and all vouchers, papers, books, and property belonging to their office; and said fund commissioners shall make out duplicate schedules of all such notes, bonds, mortgages, and evidences of debt, stating in separate columns, the date thereof, the amount of principal, and the interest due, upon which duplicate schedules the auditor shall give his receipts; and shall also give to the said fund commissioners duplicate receipts for all vouchers, papers, books, and property delivered to him by said fund commissioners, one set of which receipts said fund commissioners shall file with the clerk of the court of common pleas, to be preserved with the bonds of said fund commissioners; provided the provisions of this act shall not be extended to the county of Hamilton until the first day of June, one thousand eight hundred and forty seven.

Auditors and Treasurers to act as fund commissioners.

SEC. 2. The auditor and treasurer of each county, by virtue of their offices, shall hereafter perform all the duties required of the county fund commissioners by the act providing for the distribution of this state's proportion of the surplus revenue, passed March twenty-eighth, one thousand eight hundred and thirty-seven, and the several acts amendatory thereto, and by the laws now in force relative to the surplus revenue.

Payments to be made to treasurers.

SEC. 3. All payments made of the principal or interest of the surplus revenue, shall be made to the treasurer of the county, who shall give duplicate receipts for the sum paid to him, specifying whether the same is for principal or interest, and the person paying such sum shall deliver one of the receipts of the treasurer to the auditor of the county, who shall charge the treasurer with the amount of principal or interest specified in such receipt, and shall credit the person in whose behalf such payment is made, with the amount so paid.

Compensation of auditors and treasurers.

SEC. 4. The auditor and treasurer shall each be entitled to one fourth of one per cent. of all money belonging to the surplus revenue, which shall be collected and paid over to the state treasury, by the treasurer of the county, to be retained out of the county's proportion of the interest received; and said auditor and treasurer shall be allowed no other fees or compensation for their services, in relation to the surplus revenue.

When the present board of fund commissioners shall cease to exist.

SEC. 5. That so soon as the county fund commissioners shall have delivered over to the county auditor of their county, the notes, bonds, mortgages, and evidences of debt, and the vouchers, papers, books, and property pertaining to the surplus revenue, as aforesaid, said board shall cease to exist, and all the

powers now vested in said board, and the duties required of them by law shall be vested in, and exercised by the auditor and treasurer of the county.

SEC. 6. The provisions of this act shall not apply to or be in force in the county of Gallia.

SEC. 7. This act to take effect and be in force from the first day of April next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 27, 1846.

AN ACT

To amend the act entitled an act to amend the act regulating the action of forcible entry and detainer, passed March 13, 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all actions of forcible entry and detainer which shall be hereafter instituted, where either forcible entry only, or forcible detainer only, or both, shall be alleged in the complaint, it shall be the duty of the complainant to give notice, in writing, to the defendant to quit the premises, or leave the same at his usual place of residence, at least three days prior to issuing the writ.

How notice to be given.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 27, 1846.

AN ACT

To amend an act entitled an act ascertaining damages on protested bills of Exchange.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That no damages on account of protest shall be recoverable on any bill of exchange, foreign or inland, that may hereafter be drawn in this state, and which shall be protested for non-acceptance or non-payment thereof, or which shall contain a waiver of protest, if it shall have been agreed, understood or intended by and between the drawer or indorser, and the payee, or indorsee of such bill at the time of its delivery, that the same should or might be paid at any other place

In what case no damages on account of protest.

than that upon which it was drawn, or by any other person, firm or company, than the person, firm or company upon which it was drawn.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

February 27, 1846.

AN ACT

To amend the act entitled "an act fixing the prices of printers for the insertion of legal advertisements," passed March 12, 1844.

County officers
 required to give
 notice as pre-
 scribed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases in which county auditors, sheriffs, and other officers, are required to have legal notices published in a newspaper, if such auditor, sheriff, or other officer, cannot procure the publication of such notice in a newspaper in the proper county upon the terms and for the prices fixed in the act to which this is an amendment, said sheriff, auditor, or other officer, shall procure the publication of such notice in any newspaper printed in an adjoining county, or which may circulate in said county: provided, that in no case shall a greater price be allowed than is fixed in said act.

County auditor
 to send a list to
 state auditor.

SEC. 2. It shall be the duty of the county auditor to send, by mail, to the auditor of state, one paper containing the list of delinquent and forfeited lands, and a copy of the account to the printer, as sworn to by him and allowed by the auditor.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

February 28, 1846.

AN ACT

For the encouragement of Agriculture.

Organized
 county or dis-
 trict societies
 may, upon the
 payment of not
 less than fifty
 dollars, obtain a

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever thirty or more persons, residents of any county, or district embracing two counties of this state, shall organize themselves into a society for the improvement of agriculture within said county or district, and shall

have adopted a constitution and by-laws, agreeably to the rules and regulations to be furnished by the Ohio State Board of Agriculture, hereinafter created, and shall have appointed the usual and proper officers; and when the said society shall have raised and paid, to their treasurer, by voluntary subscription, or by fees imposed upon its members, any sum of money in each year, not less than fifty dollars; and whenever the president of said society shall certify to the respective county auditors, the amount thus paid, attested by the oath of the treasurer before a magistrate, it shall be the duty of the said county auditors, embraced within the district in which such society shall be organized, to draw an order on the treasurer of the respective county, in favor of the president and treasurer of said society, for a sum equal to the amount thus raised; provided, it does not exceed half a cent to each inhabitant of the said county, upon the basis of the last previous national census, but not to exceed in any county the sum of two hundred dollars; and it shall be the duty of the treasurer of the said county to pay the same.

similar amount from the county.

Proviso.

SEC. 2. That it shall be the duty of the several county or district societies which may be formed under the provisions of the preceding section, during the continuance of this act, annually to offer and award premiums for the improvement of soils, tillage, crops, manures, implements, stock, articles of domestic industry, and such other articles, productions and improvements, as they may deem proper; and may perform all such acts as they may deem best calculated to promote the agricultural and household manufacturing interests of the district, and of the state; and it shall also be their duty, so to regulate the amount of premiums and the different grades of the same, as that it shall be competent for small as well as large farmers to have an opportunity to compete therefor; and in making their awards, special reference shall be had to the profits which may accrue, or be likely to accrue, from the improved mode of raising the crop, or of improving the soil, or stock, or of the fabrication of the articles thus offered, with the intention that the premium shall be given for the most economical mode of improvement; and all persons offering to compete for premiums, on improved modes of tillage, or the production of any crops, or other articles, shall be required, before such premium is adjudged, to deliver to the awarding committee, a full and correct statement of the process of such mode of tillage, or production, and the expense and value of the same, with a view of showing accurately, the profits derived or expected to be derived therefrom.

Duty of societies to offer and award premiums, &c.

How premiums to be given.

Duty of candidates for prizes.

SEC. 3. It shall be the duty of each county or district society, to publish annually a list of the awards, and an abstract of the treasurer's account, in a newspaper of the district; and to make a report of their proceedings during the year, and a synopsis of the awards for improvements in agriculture, and household manufactures, together with an abstract of the several

Publication and reports to be made.

descriptions of those improvements, and also make a report of the condition of agriculture in their county or district, which reports shall be made out in accordance with the rules and regulations of the Ohio State Board of Agriculture, and shall be forwarded to the state board at their annual meeting in December in each year: and no subsequent payment shall be made from the county treasury, unless a certificate is presented to the auditor from the president of the state board, showing that such reports have been duly made.

Persons constituting state board.

SEC. 4. That Michael L. Sullivan, and Samuel Medary, of Franklin county; Allen Trimble, of Highland; Samuel Spangler, and John Chaney, of Fairfield; Darius Lapham, of Hamilton; John B. Bayless, of Jefferson; Greenbury Keen, of Portage; Simon Perkins, of Summit; John J. Vanmeter, of Pike; Arthur Watts, and Felix Renick, of Ross; Elias Florance, and William Gill, of Pickaway; Jared P. Kirtland, of Cuyahoga; David Gregory, of Delaware; John McEderly, of Tuscarawas; Isaac Moore, of Lake; John Fuller, of Erie; George W. Gibbons, of Muskingum; Horatio Gillett, of Lawrence; Ansen Howard, of Champaign; John Eckles, of Hancock; Ziba Lindley, Jr., of Athens; Henry C. Brist, of Seneca; Samuel Myers, of Crawford; David Stevens, of Richland; John Martin, of Columbiana; Gilman C. Mudgett, of Paulding; L. C. Goble, of Putnam; Isaac Neiswanger, of Belmont; Aaron Johnson, of Perry; William McFadden, of Harrison; Frederick Bonner, of Greene; Jacob T. Pugsley, of Fayette; George W. Cowden, of Trumbull; Billious Kirtland, of Mahoning; Richard Warner, of Medina; John M. Milligen, and Absalom Duan, of Butler; John Johnson, of Miami; Jesse Wilson, of Shelby; Abraham Studdebaker, of Darke; Joseph Burns, of Coshocton; James L. Reynolds, of Stark county; Newton Larsh, of Preble; A. E. Strickle, of Clinton; Benjamin Ruggles, of Belmont; Henry Protzman, of Montgomery; William R. Putnam, Jr., of Washington; James Loudon, of Brown; Dowty Utter, of Clermont, and Beaty McFarland, of Jefferson county, be, and they are hereby created a body corporate, with perpetual succession, in the manner hereafter described, under the name and style of the "Ohio State Board of Agriculture."

Time of meeting for organization.

SEC. 5. It shall be the duty of said board, or any ten of them, to meet in the city of Columbus, on the first Wednesday in April after the passage of this act, and to organize by appointing a president, secretary, and treasurer, and such other officers as they may deem necessary; also determine, by lot, the time that each member shall serve, so that the term of service of one half of the members shall expire, annually, on the day of the annual meeting in December; and the president shall have power to call meetings of the board whenever he may deem it expedient.

SEC. 6. There shall be held, in the city of Columbus, on the first Wednesday after the first Monday in December, an annual meeting of the Ohio State Board of Agriculture, together with the president of each county agricultural society, or other delegate, therefrom duly authorized, who shall for the time being be ex-officio members of the State Board of Agriculture, for the purpose of deliberation and consultation, as to the wants, prospects, and condition of the agricultural interests throughout the state; and at such annual meeting, the several reports from the county societies shall be delivered to the president of the Ohio State Board of Agriculture; and the said president and delegates shall, at this meeting, elect suitable persons to fill all vacancy in the Ohio State Board of Agriculture.

Time of annual meeting, and business to be transacted.

SEC. 7. And it shall be the duty of said board to make an annual report to the general assembly of the state, embracing the proceedings of the board for the past year, and an abstract of the proceedings of the several county agricultural societies, as well as a general view of the condition of agriculture throughout the state, accompanied by such recommendations as they may deem interesting and useful.

SEC. 8. That the act to authorize and encourage the establishment of agricultural societies in this state, and for other purposes therein set forth, passed March twelfth, one thousand eight hundred and thirty-nine, be, and the same is hereby repealed; provided, the acts done, obligations incurred, and rights acquired, under the provisions thereof, shall remain in no wise altered or affected by this act.

Repealing section.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,

February 28, 1846.

Speaker of the Senate.

AN ACT

To authorize the County Commissioners of this State to lay out and establish State roads.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the several counties in this state be, and they are hereby authorized to lay out and establish state roads, as hereinafter provided.

Authority given to county commissioners.

SEC. 2. That on application by petition, signed by at least forty freeholders of each of the counties through which it may be proposed to lay out and establish any state road, the board of commissioners of each of said counties shall appoint one disinterested freeholder of their respective counties, as commissioners to view and survey said road; and the commissioners so appointed shall have the same powers that are now, or may

Duty of commissioners upon application of petitioners.

hereafter be conferred by law on commissioners appointed by the general assembly to lay out and establish state roads, and shall be governed, in all respects, by the provisions of an act defining the mode of laying out and establishing state roads, and changing their direction in certain cases, passed March fourteen, one thousand eight hundred and thirty-one, and all acts amendatory thereto.

What shall be specified in petition.

SEC. 3. The petition for any state road shall specify the place of beginning, the intermediate points, if any, and the place of termination of said road.

Commissioners appointed to view, &c., to make report to county commissioners.

SEC. 4. That if the commissioners, appointed to view and survey any state road under the provisions of this act, shall be of the opinion, after they shall have viewed and surveyed the same, that the public good will not be promoted by the laying out and establishing said state road, they shall, in making their return of the survey of said road to the county commissioners of the different counties through which the said road may run, express, in writing, that opinion; and the county commissioners shall have the same power to declare whether the same shall or shall not be declared a state road within their respective counties, that is now or may hereafter be conferred, by law, on county commissioners in relation to state roads.

Power of county commissioners to change free turnpike roads into state roads.

SEC. 5. The county commissioners shall have power to change any free turnpike road, in their respective counties, into a state road, which shall thereafter be constructed and repaired as other state roads are, by law, constructed and repaired, anything in the acts laying out and establishing said free turnpikes to the contrary notwithstanding; and said county commissioners shall have power to make an equitable distribution of all the implements and other property belonging to said free turnpike company, and make suitable arrangements for the payment of the debts due by said company.

SEC. 6. This act shall take effect and be in force from and after the first day of March next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 27, 1846.

AN ACT

In relation to the interest of Husbands in the estate of their Wives.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the interest of any married man in the real estate of his wife, belonging to her at the time of their intermarriage, or which may have come to her by devise, gift or inheritance during coverture, or which may have been purchased with her sole and separate money or other property, and, during her coverture, shall have been deeded to her, or to any trustee in trust for her, shall not be liable to be taken, by any process of law or chancery, for the payment of his debts during the life of the wife, or the life or lives of the heir or heirs of her body.

Property of wife which cannot be taken for debts of husband, &c.

SEC. 2. All conveyances and incumbrances of the husband's interest in the real estate of the wife, in the first section mentioned, shall be void and of no effect during the life of the wife, and during the life or lives of the heir or heirs of her body, unless an instrument of such conveyance or incumbrance shall have been executed, attested and acknowledged according to the laws of this state, for the conveyance or incumbrance of the estate of the wife in lands, tenements and hereditaments situate within this state.

Conveyances void as to the estate of the wife, unless executed as specified.

SEC. 3. No interest of a husband in any chose in action, demand, legacy or bequest of his wife, shall be liable to be taken, by any process of law or chancery, for the payment of his debt, unless such husband shall have reduced the same to possession, so as, by the rules of law, to have become the owner thereof in his marital rights: Provided, that this act shall not affect or alter the rights or remedies of parties under contracts heretofore made, or as to debts heretofore contracted during marriage.

Certain rights and interests of the wife protected.

SEC. 4. All articles of furniture and household goods which a wife shall have brought with her at marriage, or which shall have come to her by bequest, gift, or which shall have been, after marriage, purchased with her separate money or other property, shall be exempt from liability for the debts of her husband during the life of the wife, and during the life of any heir of her body.

Other property exempted from liability for husband's debts

SEC. 5. This act shall take effect and be in force from and after the fourth day of July next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 28, 1846.

AN ACT

For the more effectual protection of inclosures.

Penalty for unlawful actions here described.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons shall wantonly or maliciously throw, put or lay down, or prostrate any fence inclosing any orchard, pasture, meadow, garden, or other field or inclosures in which any grain or other vegetable is cultivated, the property of, or lawfully occupied by any other person or persons, or shall wantonly or maliciously open, let down, throw down, or prostrate any gate or bars belonging to any such inclosure or field, and leave any such fence, bars or gate down, prostrate or open, every such person or persons shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, or be imprisoned in the county jail not exceeding thirty days, or both, at the discretion of the court.

How indictments may be framed.

SEC. 2. In case of prosecution for any of the above offences, if the lands therein referred to shall be owned or occupied, in common, by two or more tenants, the indictment shall be deemed sufficient if the name of any one or more of such tenants in common shall be named therein.

Prosecutions; time of commencement.

SEC. 3. That all prosecutions under this act shall be prosecuted in the manner provided by law, for crimes of the second class, and shall be commenced within one year from the time any such offences shall have been committed; and all fines collected under the provisions of this act shall be paid into the treasury of the county where the offence shall have been committed, for the use of the common schools of such county.

SEC. 4. That this act shall take effect and be in force from and after the fourth day of July next.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

February 28, 1846.

AN ACT

To amend the act entitled an act to provide for the settlement of the estates of deceased persons, passed March twenty-third, eighteen hundred and forty, and for the relief of the administrators, de bonis non, of Josephus Reed, deceased.

Administrators and executors may have relief

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, In all actions hereafter instituted on any bond of any administrator or executor, for a breach thereof, by not filing his final account at the time required by law, or by order of the court, the defendant may, under the general issue and a notice therewith filed, give in evidence any facts tending to

show that the said breach did not occur by reason of neglect or unreasonable delay of the administrator or executor to settle the estate or file said account; and if the defendant shall make good his defence, he shall recover of the plaintiff his costs; and in no case brought for such breach shall the plaintiff recover more costs than damages.

SEC. 2. That the court of common pleas within and for the county of Clinton, is hereby authorized, on good cause shown, to extend time to Absalom Douglass and William Reed, administrators, de bonis non, of Josephus Reed, deceased, for filing their account for final settlement for any time not to exceed two years in addition to the time now allowed by law for settling up estates of deceased persons.

Special application of this law.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 28, 1846.

AN ACT

To secure the inviolability of places of human sepulture.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person shall open the grave of any deceased person, or the tomb where the body of any deceased person has been deposited, or shall remove the body or remains of any deceased person from its grave or other place of sepulture, for the purpose of dissection or any surgical or anatomical experiments, or for any other purpose, without the consent of the near relatives of the deceased, if there are any, otherwise without the consent of the trustees of the township in which such body has been deposited, or, if within any incorporated city, town or borough, without the consent of the municipal authorities thereof, or shall, in any way, aid, assist or procure the same to be done, or shall receive, conceal or secrete any such body, or shall aid or assist in any surgical or anatomical experiments or demonstrations therewith, or dissection thereof, knowing said body to have been so taken or removed from the place of its sepulture, every such person, upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, or imprisoned not more than six months, or both, at the discretion of the court.

What shall constitute the offence specified.

Penalty for violating this law.

SEC. 2. On complaint made, upon oath, before any judge, justice of the peace, mayor, or chief magistrate of any incorporated city, town or borough of the proper county, setting forth that the person making such complaint has good reason

Duty of officers upon complaint made.

to believe, and does verily believe that a dead human body, procured or obtained contrary to the provisions of this act, is secreted in some building or other place in said county, particularly specified in said complaint, it shall be lawful for such mayor or chief magistrate, taking with him any two others of the corporate authorities of said city, town or borough, or for any two justices of the peace of said county, to enter, inspect and search any such building, or other place, for such dead body, and, in making such search, they shall have the same powers that constables and other ministerial officers have in the execution of search warrants.

Section in former act repealed, with a proviso.

SEC. 3. The nineteenth section of the act entitled "an act for the punishment of certain offences therein named," passed March eight, one thousand eight hundred and thirty-one, is repealed: Provided, that all offences committed, or which may be committed while the section hereby repealed has been, or shall be in force, shall be prosecuted and punished thereunder as if the same were not repealed.

SEC. 4. This act shall take effect and be in force from and after the first day of June next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 28, 1846.

AN ACT

To amend the law for the limitation of actions.

Repealing former act, as it relates to non-residents.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of any act for the limitation of actions, heretofore passed, and now in force, as excepts or saves from the operation thereof the rights of any person entitled to have or maintain any action of ejectment for the recovery of any title or possession of lands, tenements or hereditaments, on account of such person being non resident of this state or beyond sea, be, and the same is hereby repealed: Provided, that as to causes of action which have already accrued, this act shall not take effect till the fourth day of July, in the year eighteen hundred and forty-seven. This act shall be in force from and after the first day of April next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 28, 1846.

AN ACT

To amend an act relating to wills, passed March twenty-three, one thousand eight hundred and forty.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if the widow of any testator shall fail to make her election to take the provision made for her in the will of her husband, according to the forty-sixth section of the act relating to wills, passed March twenty-third, eighteen hundred and forty; or if no provision be made for her in the will of her husband, she shall have her dower, and such share of the personal estate of her husband as she would be entitled to by law in case her husband had died intestate, leaving children. This act shall take effect from and after the first day of April next.

Provision for widows in cases specified.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

February 28, 1846.

AN ACT

In relation to Religious, Literary, and other incorporated Societies.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That where any religious, literary, or other society has been, or may be incorporated by any act of the general assembly, and a certain day appointed by such act for the annual election of the officers of such society, and any such society have neglected, or shall neglect to elect their proper officers on such day, such neglect shall not work any dissolution of such incorporation; but the officers of such society, last elected, shall exercise the duties of their respective offices until their successors are elected and qualified.

A failure to elect officers will not work a dissolution of the incorporation.

SEC. 2. Whenever any such society shall neglect to elect their officers on the day appointed for the annual election by their act of incorporation, or shall neglect to organize on the day fixed by said act, it shall be lawful for any three members of such society to call a meeting, by a written notice put up at three of the most public places in the vicinity of the place where such society usually hold their meetings, at least ten days before the time for the meeting thereby called, stating the object of such meeting; at which time and place it shall be lawful for such society to elect officers in the same manner as they should have done at the last annual election, or to organize in the manner pointed out in the charter, as if there had been no failure to elect on the day specified in the charter; and such

In case of failure, a meeting may be called.

officers, thus elected, shall hold their offices until the next annual election, and until their successors are elected and qualified.

Societies incorporated under special act may organize under the general law

SEC. 3. It shall be lawful for any religious, literary, or other societies, incorporated by any special act of the general assembly, who have organized under the same, and acquired any property, whenever such society choose to do so, to organize under any general law of this state for the purpose of incorporating such societies, without any special act of incorporation; and, upon such organization, such society shall have, hold and enjoy all property which they acquired and held under their former act of incorporation.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

February 28, 1846.

AN ACT

Authorizing the Board of Public Works to fix the salaries of certain officers, and for other purposes.

The Board authorized to fix salaries;

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works are hereby authorized to fix the salaries to be paid to all collectors of tolls and inspectors on the several public works of this state, and shall also fix the salaries of all toll gate keepers on the National Road.

—to fix rates of toll;

SEC. 2. That the said board shall fix such rates of toll for all travel on the National Road, as they may deem necessary to meet the demands on said road fund, and may alter and revise the same whenever, in their opinion, the interest of the state would seem to require it.

Do.

SEC. 3. The board of public works are hereby authorized to fix and determine the rates of toll to be imposed and collected, in lieu of the tolls now imposed, by law, on all vehicles and animals by which the same may be drawn, traveling on the National Road in this state, and also on all freight, passengers, and their baggage, conveyed, in such vehicles, on said road: Provided, that such tolls on passengers conveyed in mail coaches and other vehicles, shall be imposed in conformity with the opinion of the supreme court of the United States, as expressed in the case of Neil, Moore and Company against the state of Ohio; and that said board may commute or agree with any and every person or company, for the payment of a certain sum of money, to be paid at such specified periods as shall be agreed

on, in lieu of tolls imposed or proposed to be imposed on passengers and their baggage, transported or to be transported in any vehicle or vehicles belonging to such person or company.

SEC. 4. The board of public works are hereby authorized to establish and enforce all such regulations, not inconsistent with the laws of this state, or of the United States, as they shall deem necessary and proper for securing the punctual collection of all tolls imposed by law, or by virtue of the authority vested in them by the preceding section, on vehicles, animals, freight, passengers and baggage conveyed or traveling on said road.

Additional power given to board.

SEC. 5. That all laws and parts of laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

February 28, 1846.

AN ACT

Authorizing School Districts to establish Libraries for the use of Common Schools.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That each legally constituted school district in this state is hereby authorized to raise money for the purpose of establishing and maintaining a common school library and apparatus, for the use of the children and youth therein.

Money may be raised for school libraries.

SEC. 2. No greater sum than thirty dollars the first year, or ten dollars in any subsequent year, shall be expended for the purpose aforesaid.

Amount which may be expended.

SEC. 3. Any sum of money, raised by virtue of this act, shall be raised at a meeting of taxpayers of said school districts, called for that purpose, and shall be assessed, collected and paid over as other school taxes are.

How raised.

SEC. 4. Such library and apparatus shall be used by said children and youth, under such rules and regulations as, from time to time, shall be adopted by the directors of the proper district.

Directors to make rules.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

February 28, 1846.

AN ACT

Regulating the mode of proceeding where County Commissioners may be authorized, by law, to subscribe to the capital stock of Railroads, Turnpike Roads, or other incorporated companies in this State.

Commissioners to give notice for taking the vote of the people, for purpose specified.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever the commissioners of any county in this state shall hereafter be authorized to subscribe to the capital stock of any railroad, turnpike road, or other incorporated company in this state, it shall be the duty of said county commissioners to give at least twenty days' notice, in one or more newspapers printed and of general circulation in the county authorized to make such subscription, to the qualified voters of said county, to vote, at the next annual election to be held in the several townships (and wards, if any there be,) in said county, for or against the subscription, as aforesaid, and if a majority of the electors aforesaid, voting, at said election, for or against a subscription, as aforesaid, shall be in favor of the same, such authorized subscription may be made, but not otherwise.

SEC. 2. That the commissioners aforesaid may establish and publish such rules and regulations as they may deem necessary for effectually enforcing the provisions of this act.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

February 28, 1846.

AN ACT

Granting licenses to pedlars, and repealing former acts.

Clerks may grant license.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the clerks of the courts of common pleas of the several counties in this state may grant license to peddle as hereinafter provided.

Applicants for license to file affidavit.

SEC. 2. No person shall have a license to peddle in this state, until he shall make a written statement, verified by his own affidavit, stating the amount of capital which he intends to employ in the business of peddling in this state for the year ensuing; file the same with the auditor of the same county in this state; pay to the treasurer of the same county one-half of one per cent. upon the amount specified in such statement, and twenty-five dollars, if the applicant intend to travel on foot; if on horseback, or in a one horse wagon, or other vehicle, forty dollars; if in a two horse wagon, or other vehicle, fifty dollars; and if in a boat, or other water craft, eighty dollars, for the use

Amount to be paid by each description of pedlars.

of the state; and file with the clerk of the court of common pleas of the same county, a written application for such license, with the certificate of the auditor, showing the amount of capital specified in the statement of the application, and the receipt of the treasurer for the amount of money by him paid as aforesaid; and shall also pay to the clerk, as his fee for granting the license, fifty cents.

SEC. 3. The statement of applicants for license, under this act, shall state the amount of capital, the value of the largest amount of goods which the applicant intends to have on hands in his business, for the year ensuing, at any time.

What to be embraced in state ment.

SEC. 4. When a statement shall be filed with an auditor, as specified in the second section of this act, the auditor shall furnish the person filing the same with a certificate showing the amount of capital stated therein.

Auditor to give certificate according to statement.

SEC. 5. Any person or persons, upon complying with the provisions of the second and third sections of this act, shall be entitled to a license to peddle throughout this state, from the clerk to whom application is made, under the seal of his court; which license shall authorize the person to whom, and in whose name it is granted, to vend and sell goods, wares and merchandise, for one year from the date of the receipt of the treasurer, throughout this state, as a pedler or traveling merchant.

What shall entitle to a license.

SEC. 6. A license to peddle shall not authorize the person named therein to sell goods, wares or merchandise at auction, vendue or public outcry, nor to sell goods in any way by the agency of any other person.

License to run one year.

License restricted.

SEC. 7. If any person shall vend or sell in this state, as a pedler or traveling merchant, any goods, wares or merchandise except such goods, wares and merchandise as are made or manufactured within this state by himself or his employer, without having first obtained a pedler's license so to do, he shall forfeit and pay, for every such offence, the sum of one hundred dollars, to be recovered, by action of debt, before any justice of the peace of any county where the offender may be found, and paid into the treasury of the county in which the judgment may be rendered; and justices and constables, in the issue and service of process in suits to recover such penalty, shall have the same powers and duties, and be subject to the same limitations as in criminal cases.

Penalty for vending goods not manufactured in this state without a license.

SEC. 8. If any pedler or traveling merchant shall, on demand, refuse or neglect to show his license to any person of full age, or to whom he may offer to sell any goods or merchandise, such refusal or neglect shall be taken as conclusive evidence that he has violated the provisions of the second section of this act.

Effect of not exhibiting license.

SEC. 9. The act entitled "an act granting licenses to pedlers," passed February fourteen, one thousand eight hundred and forty, and all acts amendatory thereto, be, and the same are hereby repealed. Provided, that all suits now pending, and

Repealing section, with a proviso.

forfeitures incurred under said acts, or either of them, shall not, in any way, be affected or made void hereby; and all licenses to pedlers heretofore granted shall have the same effect as if this act had not passed.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

February 28, 1846.

AN ACT

To equalize the tolls on turnpikes.

All turnpike companies, &c. shall, after the 1st day of April, A. D., 1846, be governed by the provisions of this act.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all incorporated turnpike companies in this state, and their respective agents and gate keepers, shall, from and after the first day of April, one thousand eight hundred and forty-six, be governed, in their charges for tolls, by the provisions of this act, and the act entitled "an act to amend the act entitled an act to provide for the regulation of turnpike companies," passed February twenty-fifth, one thousand eight hundred and forty-five, any provisions in their respective charters to the contrary notwithstanding; and any overcharge, in violation of the provisions of this act, and the act to which this is an amendment, on the part of the said turnpike companies, or any of their agents or gate keepers, may be recovered back, in an action of debt, to four times the amount so overcharged.

Rates of toll.

SEC. 2. The rates of toll fixed in the act to which this is an amendment, for every four wheeled pleasure carriage, drawn by two horses or other animals, be, and the same is hereby reduced to twenty cents, and for each additional animal, five cents, for every ten miles travel; and in the same proportion for any less distance.

SEC. 3. That the said turnpike companies, or any of their agents or gate keepers, shall neither charge nor receive such fractional cents as might, on a strict calculation of the amount of toll for any less distance than ten miles, be due them.

Repealing section, with a proviso.

SEC. 4. That all laws, or parts of laws, which conflict with the provisions of this act, be, and the same are hereby repealed: Provided, however, that this act shall only be operative upon the companies that may be affected by this act, when accepted by the directors of such company at any meeting of the directors of such turnpike company, called for that purpose.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

For levying taxes on all property in this State according to its true value.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all property, whether real or personal, within this state, and the moneys and credits of persons residing therein, except such as is hereinafter expressly exempted, shall be subject to taxation; and such property, moneys and credits, or the value thereof, shall be entered on the lists of taxable property, for that purpose, in the manner prescribed by this act.

Property sub-
ject to taxa-
tion.

DEFINITIONS.

SEC. 2. The terms "real property" and "land," wherever used in this act, shall be held to mean and include not only the land itself, whether laid out in town lots, or otherwise, with all things contained therein, but also all buildings, structures and improvements, trees and other fixtures of whatsoever kind thereon, and all rights and privileges belonging, or in any wise appertaining thereto, including all stoves in any building belonging to the owner of such building, and used instead of fireplaces.

Definitions of
terms used in
descriptions of
property, per-
sons, &c.

The term "personal property," wherever used in this act, shall be held to mean and include—

1st. Every tangible thing, being the subject of ownership, whether animate or inanimate, other than money, and not forming part of any parcel of real property, as hereinbefore defined.

2d. The capital stock, undivided profits, and all other means, not forming part of the capital stock, of every company, whether incorporated or unincorporated, and every share, portion or interest in such stock, profits or means, by whatsoever name the same may be designated, inclusive of every share or portion, right or interest, either legal or equitable, in and to every ship, vessel or boat, of whatsoever name or description, used, or designed to be used, either exclusively or partially, in navigating any of the waters within, or bordering on this state, whether such ship, vessel or boat shall be within the jurisdiction of this state or elsewhere, and whether the same shall have been enrolled, registered or licensed at any collector's office or within any collection district in this state, or not.

The term "money" or "moneys," wherever used in this act, shall be held to mean and include gold and silver coin and bank notes, in actual possession, and every deposit, which the person owning, holding in trust, or having the beneficial interest therein, is entitled to withdraw, in money, on demand.

The term "credits," wherever used in this act, shall be held to mean and include every claim or demand for money, labor or other valuable thing due or to become due, and every annu-

ity or sum of money receivable at stated periods, and all money invested in property of any kind, which is secured by deed, mortgage or otherwise, which the person holding such deed, or mortgage, or evidence of claim, is bound, by any lease, contract or agreement, to reconvey, release or assign, upon the payment of any specified sum or sums: Provided, that pensions receivable from the United States or from any of them, salaries or payments expected to be received for labor or services to be performed or rendered, shall not be held to be annuities within the meaning of this act: and provided, also, that claims or demands for property sold, work done, or services rendered, having no connection with the loaning of money, when the credit given is for a time not exceeding six months, and when there shall have been no agreement or understanding for a continuance of the credit beyond six months, shall not be considered credits subject to taxation.

The terms "separate parcel of real property" and "separate parcel of land," wherever used in this act, shall be held to mean any contiguous quantity or parcel of land belonging to the same owner or owners, whether comprised in one, or in more than one section, tract, lot or other survey, or subdivision of either, which parcel of land or real property shall be disconnected from any other parcel belonging to the same owner or owners.

The word "town," wherever used in this act, shall be taken and held to mean "city," "village," "borough," and every place, however designated, which is laid out into town lots.

The words "he," "him" or "his," wherever so used as to refer to a female, or to more than one person, shall be understood to mean "she," "her" or "hers," or "they," "them" or "theirs," as the sense may require.

Wherever an oath is required by this act of any person who has conscientious scruples against taking an oath, an affirmation may be substituted in its place; and in all such cases, the word "oath" shall be held to mean "affirmation," and the word "swear" shall be held to mean "affirm."

PROPERTY EXEMPT FROM TAXATION.

SEC. 3. All property described in this section, to the extent herein limited, shall be exempt from taxation; that is to say:

Property ex-
empt from tax
ation.

1st. All buildings occupied or used exclusively as public school houses, or as places of public worship, or both, with the furniture and books therein, used exclusively for the accommodation of schools or religious meetings, together with the grounds, not exceeding, in any case, twenty acres, occupied thereby, if not leased or otherwise used with a view to profit.

2d. All lands used exclusively as graveyards, or grounds for burying the dead.

3d. All buildings belonging to scientific, literary or benevolent societies, used exclusively for scientific, literary or benevolent purposes, together with the land actually occupied by such institutions, not leased or otherwise used with a view to profit, and all books, papers, furniture, apparatus and instruments belonging to such societies, used solely for literary, scientific or benevolent purposes. But no society, other than such as are public, and such as shall have been instituted, and shall be devoted exclusively to scientific, literary or benevolent purposes, shall be deemed a literary, scientific or benevolent society, within the meaning of this act.

4th. All moneys and credits belonging exclusively to universities, colleges, academies or public schools, of whatsoever name, or to religious, scientific, literary or benevolent societies, and appropriated solely to sustaining such institutions or societies, not exceeding in amount, or in the income arising thereon, the amount prescribed by the charter of such society.

5th. All property, whether real or personal, belonging exclusively to this state, or to the United States, and all lands sold by the United States for five years after such sale.

6th. All buildings belonging to counties, used for the holding of courts, for jails, or for county offices, with the ground, not exceeding, in any county, ten acres, on which such buildings are erected.

7th. All lands, houses and other buildings belonging to any county, township or town, used exclusively for the accommodation or support of the poor.

8th. All market houses, public squares, or other open public grounds, town or township houses used, in either case, exclusively for public purposes, and all works, machinery and fixtures belonging to any town, and used exclusively for conveying water to such town.

9th. All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meetings of fire companies, whether belonging to any town, or to any fire company organized therein.

10th. All claims against the state, evidenced by certificates of stock or funded debt, heretofore issued.

11th. All kitchen furniture, beds and bedding, belonging to private families, and other household furniture and books belonging to any family, not exceeding one hundred dollars in value; and each keeper of a tavern or boarding house shall be entitled to hold, exempt from taxation, kitchen furniture, beds and bedding, not exceeding in value two hundred dollars.

12th. The wearing apparel of every person and family, which shall not be construed to include watches of any kind.

13th. All articles of food provided by the head of a family to sustain the members thereof: Provided, that no person from

whom any compensation for board or lodging is received, or expected to be received, shall be considered a member of a family, within the meaning of this act.

14th. All animals not specified in the ninth section of this act.

15th. Farming implements, actually used for farming purposes, owned by any person engaged in the business of farming, which shall not be held to include road wagons, or wagons used principally for other than farming purposes.

16th. Mechanics' tools, not exceeding in value one hundred and fifty dollars, owned by any person actually engaged in carrying on any mechanical trade or profession.

17th. The head of every family shall be entitled to hold, exempt from taxation, one cow, eight sheep and four hogs; unless he shall have other property, over one hundred dollars in value, subject to taxation.

BY WHOM, WHERE, AND IN WHAT MANNER PROPERTY SHALL BE LISTED.

SEC. 4. Every person of full age and sound mind, not a married woman, shall list the real and personal property, subject to taxation, of which he is the owner, situate or being in the county in which he resides, and all moneys in his possession; and he shall also list moneys deposited subject to his order, check or draft, and credits due from, or owing by any person or persons, body corporate or politic, whether in or out of such county.

By whom property shall be listed.

The property of every ward shall be listed by his guardian;

Of every minor child having no other guardian, by his father, if living; if not, by his mother, if living; and if neither father nor mother be living, by the person having such property in charge;

Of every wife, by her husband, if of sound mind; if not, by herself;

Of every person for whose benefit property is held in trust, by the trustee;

Of every estate of a deceased person, by the executor or administrator;

Of corporations whose assets are in the hands of receivers, by such receivers;

Of every company, firm, body politic or corporate, by the principal accounting officer, partner, or agent thereof;

Every person required to list property on behalf of others, by the provisions of this section, shall list it in the same township in which he would be required to list it if such property were his own; but he shall list it separately from his own, specifying in each case the name of the person, estate, company or corporation to whom it belongs; and all real property,

and merchants' and manufacturers' stock, shall be returned for taxation, and taxed in the township and town in which it is situated; and all other personal property, except such as is taxable for state purposes only, shall be entered for taxation in the township and town in which the person charged with the tax thereon resided, at the time a list thereof was taken by the assessor, if such person reside in the county where such property was listed; and if not, then such property shall be entered for taxation and taxed in the township where situated when listed, any thing in this act to the contrary notwithstanding.

Property taxable for State purposes only, may be listed in any township of the county where the proprietor resides.

SEC. 5. Property of whatsoever kind, situate or being in any county other than that in which the owner or owners thereof, or other person, required by the foregoing section to list the same resides, except the property of such companies as are required to give in a statement thereof, in the township where the principal office of such company is kept, and merchants' and manufacturers' stock, which is required to be listed where the same is situated, shall be listed in the township where the same is situate, by the agent of the owner, or other person having possession or charge thereof, unless the owner shall list or cause the same to be otherwise listed in the township where such property may be.

Property to be listed in the township where situated.

SEC. 6. In case portions of any separate parcel of real property, as hereinbefore defined, be situate in two or more different townships, in consequence of a division thereof by a township line or lines, the portion thereof situate in each township shall be considered a separate parcel and listed accordingly.

Real property situate in two or more townships shall be considered separate parcels, and listed proportionably in each.

SEC. 7. Property held under a lease, and belonging to any religious, literary, scientific, or benevolent society or institution, whether incorporated or unincorporated, shall be considered, for all purposes of taxation, as the property of the person so holding the same, and shall be listed as such by such person or his agent, as in other cases; but nothing in this act shall be so construed as to subject any land held under a lease from any university, college, or other literary institution, or any other school land or lands granted by congress for religious purposes, held under a lease, during the continuance of such lease, to the payment of any tax from which such leasehold estate is exempt by the law authorizing the lease.

Leasehold property belonging to religious or other institutions, shall be, for purposes of taxation, considered the property of the holder, and by him listed.

Proviso — Exemptions.

SEC. 8. Each person required by this act to list property shall make out, and, at any time after ten days from the time of leaving notice by the township assessor, that a statement of property subject to taxation is required of him, on demand of such assessor, verify by his oath, and deliver to him a statement or statements of all personal property, moneys and credits, which, by the provisions of this act, he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent, or factor.

Articles specified to be listed by owners or assessor;

SEC. 9. Such statement shall truly and distinctly set forth,

First: The number of horses over two years old, and the value thereof;

Second: The number of neat cattle over two years old, and the value thereof;

Third: The number of mules and asses over one year and a half old, and the value thereof;

Fourth: The number of sheep over six months old, and the value thereof;

Fifth: The number of hogs over six months old, and the value thereof; and the first day of June, of the year when the statement is made, shall be taken as the time to which the ages of all animals subject to taxation shall refer;

Sixth: Every pleasure carriage, of whatsoever kind, and the value thereof;

Seventh: Every gold or silver watch, and the value thereof;

Eighth: Every piano forte, and the value thereof;

Ninth: The total value of all other articles of personal property which the person making such statement is required to list: Provided, that if such person shall exhibit to the assessor the animals or other articles of personal property above enumerated, the value of such property so exhibited may be omitted in such statement, and the assessor shall, in such case, determine their value without requiring the oath of the person making such statement, as to the value thereof; and such person shall, in that case, be required only to make oath to the value of the remainder of the personal property, which he is required to list. As to money and credits, such statement shall set forth the total amount of moneys and credits, as defined in the second section of this act, after deducting therefrom the amount of debts which the person making such statement is entitled to deduct agreeably to the provisions of this act.

Owner to make oath to value of such personal property as is not shown to assessor;
—From list of moneys and credits deduct the amount of debts due by the person listing, and return the balance.

Stock in companies or corporations, which, by the laws of the State, are exempt, or pay a tax on capital or income, not to be returned;

SEC. 10. No person shall be required to include in his statement, as part of the personal property which he is required to list, any share or portion of the capital stock or property of any company or corporation, which company or corporation is by law exempt from taxation, or is required to list its capital and property for taxation in this state, nor any share or portion of the capital stock or property of any company or corporation which is or shall be required by any law of this state to pay a tax on its income, profits, or dividends; each and every incorporated railroad company, canal, or slackwater navigation company, and bridge company, in this state, and every turnpike company, when the net profits of such turnpike company; and the salaries and compensation of its officers and agents shall be not less than three per centum per annum on the amount of such capital stock paid in by individual stockholders, shall list for taxation, by their president, secretary, or other proper accounting officer, the full amount of the capital stock of said company paid in by individual stockholders, at the true value

Stock in railroad, canal, slackwater, bridge, and turnpike companies—how returned and taxed.

of said stock in money; and said stock so listed shall be subject to taxation as provided by this act.

Sec. 11. No person shall be required to list or insert in his statement, any property, nor the value of any personal property, which, by the third section of this act, is specifically exempt from taxation. Property specifically exempt not to be returned to assessor.

If there be no real property, or if there be no personal property, or if there be no moneys or credits which the person with whom the assessor shall have left notice to make out a statement of property for taxation, is by this act required to list on his own account, or on account of others, he shall set forth such fact as the case may require, on the blank statement left with him by the assessor.

RULES FOR VALUING PROPERTY.

Sec. 12. Each separate parcel of real property shall be valued at its true value in money, excluding the value of crops growing thereon, but the price for which such real property would sell at auction, or at a forced sale, shall not be taken as the criterion of such true value. Rules for valuation.

Each parcel of real property belonging to any religious, literary, scientific or benevolent society, or institution, whether incorporated or unincorporated, and school and ministerial lands, and held under lease, shall be valued at such price as the assessor believes could be obtained at private sale for such leasehold estate, upon the terms of sale above specified.

Personal property of every description shall be valued at the usual selling price of similar property at the time of listing, and at the place where the same may then be; and if there be no usual selling price known to the person whose duty it shall be to fix a value thereon, then at such price as it is believed could be obtained therefor, in money, at such time and place.

Money, whether in possession or on deposit, shall be entered in the statement at the full amount thereof: Provided; that depreciated bank notes shall be entered at their current value.

Every credit for a sum certain, payable either in money, property of any kind, labor or services, shall be valued at the full amount of the sum so payable; if for a specific article, or for a specified number, or quantity of any article or articles of property, or for a certain amount of labor or services of any kind, it shall be valued at the current price of such property, or of such labor or services, at the place where payable.

Annuities shall be valued at the price which the person listing the same believes them to be worth in money.

All manufactured articles, remaining unsold in the hands of any mechanic by whom they shall have been made, shall be valued at so much as the materials entering into their composition shall have cost such mechanic; and sheep shall be valued without reference to the value of the unshorn fleece.

But no person shall be required to list a greater portion of any credit than he believes will be received, or can be collected with or without resort to legal process; nor any greater portion of any obligation given to secure the payment of rent, than the amount of rent that shall have accrued on the lease, and shall remain unpaid at the time of such listing.

Same subject.

SEC. 13. No person shall be required to list any part of any crop which may have been harvested on any farm of which he is the owner, or lessee, or occupant, within one year next previous to the time of such listing, and which may then remain on hand; nor any wool shorn from his own sheep within six months previous.

Personal property shall be listed in the name of owner, if resident of the county, if not, in the name of person in possession.

SEC. 14. Personal property, of every description other than that of merchants and manufacturers, shall be listed as the property of the person who shall be the owner thereof, if a resident of the county where the same shall be, and if not, of the person having possession or charge thereof at the time when the same shall be listed, and the value to be attached thereto shall be the value thereof at such time.

OF DEDUCTIONS FROM MONEYS AND CREDITS.

Amount of moneys and credits—how made up.

SEC. 15. In making up the amount of moneys and credits which any person is required to list for himself, or any other person, company or corporation, he shall be entitled to deduct from the gross amount of moneys and credits the amount of all bona fide debts owing by such person, company or corporation, to any other person, company or corporation; but no acknowledgment of indebtedness, not founded on an actual consideration, believed, when received, to have been adequate, and no such acknowledgment made for the purpose of being so deducted, shall be considered a debt within the meaning of this section; and so much only of any liability, as surety for others, shall be deducted, as the person making out the statement believes the surety is legally or equitably bound to pay, and so much only, as he believes such surety will be compelled to pay, on account of the inability or insolvency of the principal debtor; and if there are other sureties who are able to contribute, then only so much as the surety in whose behalf the statement is made, will be bound to contribute.

No deduction allowed for notes to mutual insurance companies, or subscriptions to religious or other societies.

SEC. 16. No person, company or corporation shall be entitled to any deduction on account of any bond, note or obligation of any kind given to any mutual insurance company; nor on account of any unpaid subscription to any religious, literary, scientific or charitable institution or society; nor on account of any subscription to, or installment payable on the capital stock of any company, whether incorporated or unincorporated.

**OF LISTING AND VALUING THE PROPERTY OF MERCHANTS AND
MANUFACTURERS.**

SEC. 17. Every person that shall own, or have in his possession, or subject to his control, any personal property, within this State, with authority to sell the same, which shall have been purchased either in or out of this State, with a view of being sold at an advanced price or profit, or which shall have been consigned to him from any place out of this State, for the purpose of being sold at any place within this State, shall be held to be a merchant; and, at all times, when he shall be by this act required to make out and deliver to the assessor a statement of his other personal property, he shall state and attest, on oath, the value of such property appertaining to his business as a merchant; and, in estimating the value thereof, he shall take as the criterion the average value of all such articles of personal property which he shall have had from time to time in his possession, or under his control, during the year next previous to the time of making such statement, if so long he shall have been engaged in business, and if not, then during such time as he shall have been so engaged, and the average shall be made up by taking the amount in value on hand, as nearly as may be, in each month of the next preceding year in which the person making such statement shall have been engaged in business, adding together such amounts, and dividing the aggregate amount thereof, by the number of months that the person making the statement may have been in business during the preceding year: provided, that no consignee shall be required to list for taxation the value of any property, the product of this State, which shall have been consigned to him, for sale or otherwise, from any place within the State, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded: provided he shall, in either case, have no interest in such property, or in any profit to be derived from its sale; and the word person, as used in this, and the two succeeding sections, shall be held to mean and include "firm," "company," and "corporation."

Property of
merchants and
manufacturers
—how deter-
mined and list-
ed.

Property on
storage not to
be listed.

SEC. 18. Every person who shall purchase, receive, or hold personal property of any description, for the purpose of adding to the value thereof, by any process of manufacturing, refining, rectifying, or by the combination of different materials, with a view of making a gain or profit by so doing, shall be held to be a manufacturer; and he shall, at all times, when by this act he is required to make and deliver to the assessor a statement of the amount or value of his other personal property subject to taxation, also state the average value estimated, as provided in the preceding section, of all articles purchased, received, or otherwise held, for the purpose of being used in whole, or in part in any process or operation of manufacturing, combining,

Manufacturing
and manufac-
tured articles
—how estima-
ted.

rectifying, or refining, which, from time to time, he shall have had on hand during the year next previous to the time of making such statement, if so long he shall have been engaged in such manufacturing business, and if not, then during the time he shall have been so engaged, which statement he shall attest on oath; but in determining the value of all articles manufactured by him, and which shall remain on hand unsold, the cost of the materials entering into their combination or of which they were made, with the cost of the materials used or consumed in the process of manufacturing, combining, rectifying, or refining, shall be taken as the criterion of their value, for the purposes of taxation.

SEC. 19. Every person owning a manufacturing establishment of any kind, and every manufacturer, shall list, as part of his personal property, the value over one hundred and fifty dollars of all engines and machinery, of every description, used, or designed to be used, in any process of refining or manufacturing, (except such fixtures as shall have been considered as part of any parcel or parcels of real property,) including all tools and implements of every kind, used, or designed to be used, for the aforesaid purposes.

DISTRICT ASSESSORS—HOW AND WHEN APPOINTED.

District assess-
ors—when and
how appointed.

SEC. 20. The county commissioners, of each county in this State, shall meet at the office of the county auditor (except the counties of Ashland and Mahoning, the associate judges of which shall meet in the former at Jeromesville, and in the latter in Canfield) on the third Monday in March, one thousand eight hundred and forty six, and when they, or any two of them, shall be so convened, they shall proceed to divide their county into at least two, and not more than four districts, except the county of Hamilton, which may be divided into any number of districts not less than six, nor more than twelve; and to appoint some well qualified citizen of such county as assessor for each district therein.

Bond—when
and how given.

SEC. 21. Each person appointed to the office of district assessor shall be forthwith notified by the county auditor of his appointment; and each person so appointed, shall, within ten days after receiving such notice, file with such auditor his bond, payable to the State of Ohio, with at least one good freehold surety, to the acceptance of the county auditor, in the penal sum of two thousand dollars, conditioned that he will diligently, faithfully, and impartially perform all and singular the duties enjoined on him by this act; and he shall moreover take and subscribe, on said bond, an oath that he will, according to the best of his judgment, skill, and ability, diligently, faithfully, and impartially, perform all the duties enjoined on him by this act.

SEC. 22. If any person so appointed shall fail to give bond, or shall fail to take an oath as required in the preceding section,

within the time therein prescribed, the office to which he was appointed shall be considered vacant, and shall be forthwith filled by the commissioners, or associate judges, as the case may require, (who shall be immediately called together for that purpose by the county auditor,) by the appointment of some other suitable competent citizen of the county; and the person appointed to such vacancy, shall be notified by the county auditor, shall give bond, and take an oath of office, within the time, after receiving such notice, and in the manner prescribed in the foregoing section.

SEC. 23. If there shall be a vacancy in the office of district assessor, in any district of any county, after the tenth day of April next, such vacancy shall be forthwith filled by the auditor, treasurer, and recorder, of the county in which such vacancy shall occur, or any two of them, if they can find any competent and suitable citizen of their county, who will accept and perform the duties of such office; and if no such person can be found, the auditor shall, within five days after he shall come to the knowledge of such vacancy, notify the state auditor thereof, who shall forthwith proceed to fill such vacancy.

Vacancy in office of assessor—how filled.

SEC. 24. It shall be the duty of each district assessor to make out, from the maps and descriptions furnished him by the county auditor, and from such other sources of information as shall be in his power, a correct and pertinent description of each parcel of real property in his district, and when he shall deem it necessary to obtain an accurate description of any separate parcel of real property in his district, he may require the owner or occupier thereof to furnish the same, with any title papers he may have in his possession; and if such owner or occupier, upon demand made for the same, shall neglect or refuse to furnish satisfactory description of such parcel of real property to such assessor, he may employ a competent surveyor to make out a description of the boundaries and location thereof, and a statement of the quantity of land therein; and the expense of such survey shall be returned by such assessor to the auditor of his county, who shall add the same to the tax assessed upon such real property, and it shall be collected by the treasurer of the county with such tax, and when collected, shall be paid on demand to such assessor, for the use of the persons to whom the same is due; and he shall in all cases, from actual view, and from the best sources of information within his reach, determine, as nearly as practicable, the true value of each separate parcel of real property in his district, according to the rules prescribed by this act for valuing real property.

Assessor to make out description of real estate, and how.

SEC. 25. For the purpose of enabling the assessor to determine the value of buildings and other improvements, he is hereby required to enter, with the consent of the owner or occupant thereof, and fully to examine all buildings and structures,

Assessor authorized to enter and examine buildings.

of whatsoever kind, which are not by this act expressly exempted from taxation.

Assessor to
make return to
county auditor
on or before
10th July—and
how.

SEC. 26. Each district assessor shall, on or before the tenth day of July, one thousand eight hundred and forty-six, make out and deliver to the auditor of his county a return, in tabular form, contained in a book to be furnished him by such auditor, of the amount, description, and value, of all the real property subject to be listed for taxation in his district; which return shall contain :

1st. The names, arranged in alphabetical order, of the several persons, companies, or corporations, in whose names the several parcels of real property, other than town property, in each township within his district shall have been listed, and in appropriate columns, opposite each name, the description of each parcel of such real property listed in such name, and the value of each separate parcel of such real property, as determined by the assessor ;

2d. The names, arranged in alphabetical order, of the several persons, companies, or corporations, in whose names the several parcels of real property, in any town or towns in his district shall have been listed ; and in the appropriate columns opposite each name,

The description of each parcel of real property in each town in his district ; and

The value thereof, as determined by the assessor ; and such return shall distinctly set forth,

The name or names of the owner or owners of each separate parcel of real property, if known, and if unknown, that fact shall be set forth ; also,

A correct and pertinent description of each separate parcel of land, or real property, if a town lot or part thereof ;

The name of the town ;

The number, or other designation, of the lot ; and if part of such lot ; then

The proportion and situation thereof, and

The extent, in feet, along the principal street on which it shall abut.

If the parcel of real property be other than a town lot, or part thereof,

The number of acres ;

The land district ;

The range of townships ;

The number of the township ;

The number of the section, tract, lot, or subdivision of either, as the case may require.

If such land be situated in the Virginia military district, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof contained in each separate parcel so listed ; and if any separate parcel of land shall comprehend the whole or parts of any two or

more sections, lots, tracts, or surveys, then the statement shall set forth, as nearly as may be, the number of acres taken from each section, lot, tract, or survey included in such parcel.

SEC. 27. Each district assessor shall take and subscribe an oath, which shall be certified by the magistrate administering the same, and attached to the return which he is required to make to the county auditor, in the following form :

"I, _____ assessor for the _____ district, in the county of _____, do solemnly swear that the return to which this is attached contains a correct description of each parcel of real property within said district, as far as I have been able to ascertain the same, and that the value attached to each parcel in said return is, as I verily believe, the full value thereof, estimated agreeably to the rules prescribed therefor in the 'act for levying taxes on all the property of this state according to its true value.' "

POWERS AND DUTIES OF TOWNSHIP ASSESSORS.

SEC. 28. In each township of this state, in which is situated any city or incorporated town, which is divided into wards, there shall be elected, on the first Monday of April, annually, by the qualified electors of such township, one assessor for each ward in such city or town, and one assessor for such part of such township as is not included in such city or town; and for all purposes of listing and valuing property for taxation, and assessing and collecting taxes, every such ward and remaining part of a township shall be held to be a township, and whenever used in this act, shall be held to extend to, and mean "ward and such remaining part of a township."

Assessors in cities and incorporated towns to be elected on the first Monday in April.

SEC. 29. Each township assessor shall give bond and take the prescribed oath of office within ten days after his election, and the township clerk shall forthwith notify the county auditor thereof; and if, after the expiration of fifteen days from the time of such election, the county auditor shall have received no notice of the qualification of the assessor in any one of the townships in his county, he shall consider such office vacant, and shall notify the county treasurer and county recorder thereof, and said auditor, treasurer and recorder, or any two of them, shall immediately proceed to fill such vacancy by the appointment of some competent citizen of such township: Provided, any such can be found who will accept and perform the duties of said office; and if not, by the appointment of some competent and suitable citizen of the county, who shall, in either case, give bond and take the required oath of office within five days after such appointment; and if any vacancy shall thereafter occur, or if any township assessor shall neglect or refuse to perform the duties of his office, such office shall be considered vacant, and the county auditor, treasurer and recorder, or any two of them, shall, on coming to a knowledge thereof, immediately proceed to fill such vacancy.

Assessor to take an oath, and give bond. Township clerk to notify auditor of county.

When office considered vacant.

Vacancy—how filled.

Assessor to leave with each person a notice and blanks, before 10th June, annually.

SEC. 30. The assessor of each township shall, on or before the tenth day of May, annually, leave with each person resident in his township, of full age, not a married woman, or insane person, or at the office, usual place of residence or business of such person, a written or printed notice, requiring such person, within ten days from the time of leaving such notice, to make out and hold in readiness for such assessor, a statement of the property which by this act he is required to list, accompanied with printed forms, in blank, of the statements required of such person.

Assessor to call on each person for his lists

SEC. 31. Each township assessor shall, before the tenth day of June, annually, call upon each person in his township with whom he is required to leave notice, for the statement which such person is required by this act to make out, unless he shall have previously made out and delivered the same; and he shall require each of such persons to take and subscribe on such statement an oath to the truth thereof, in such form as the auditor of state shall prescribe, which oath the assessor is hereby authorized and required to administer; and he shall, also, for the year eighteen hundred and forty-six, ascertain and return to the county auditor, the value and description of all new structures, and of all structures that may have been destroyed, as township assessors are required by this act to do, annually, thereafter; and each county auditor shall correct, according to such return, the valuation of real property, as required by this act, and assess taxes thereon for the year eighteen hundred and forty-six, according to such corrected valuation.

Persons refusing to make out and deliver statement, under oath, assessor may examine others.

SEC. 32. In every case where any person shall refuse to make out and deliver to the township assessor a statement of personal property, moneys and credits, as provided by this act, or shall refuse to take and subscribe an oath as to the truth of such statements, or any part thereof which he is by this act required to verify by his oath, the assessor shall, in every such case, proceed to ascertain the number of each description of the several articles of personal property, enumerated in the ninth section of this act, the value thereof, the value of the personal property subject to taxation, other than enumerated articles, and the value of the moneys and credits, of which a statement shall have been withheld as aforesaid, as the case may require; and to enable him so to do, he is hereby authorized to examine, on oath, any person whom he may suppose to have knowledge of the amount or value of the personal property, moneys or credits which the person so refusing, was required to list.

SEC. 33. If any person who shall be required by the assessor to give evidence, as provided in the preceding section, shall refuse to be sworn by the assessor, or having been so sworn, if he shall refuse to answer such questions as the assessor shall put to him, touching the subject of inquiry, any justice of the peace of the county to whom the assessor may make applica-

tion therefor, shall summon such person to appear before him at such time as the assessor shall designate, and answer, on oath, all pertinent questions which may be put to him by the assessor or his order, touching the amount and value of the personal property, moneys and credits which the person required to list the same on oath has refused to list; and every constable and witness shall be subject to the same penalties for refusal or neglect to obey the process of such justice, as they are by law subject to, for refusing to obey the process of justices of the peace in civil cases, and shall receive the same fees as for like services in civil cases; and such justice of the peace shall immediately proceed to enter judgment for all such fees and for his own costs in favor of the state of Ohio, against the person who shall have refused to make and deliver to the assessor a statement of the property which, by this act, he was required to list, or who shall have refused to take the prescribed oath as to the amount or value thereof, and proceed to collect and pay over the same as in civil cases.

SEC. 34. Each township assessor shall, on or before the tenth day of June, annually, make out and deliver to the auditor of his county, in tabular form and alphabetical order, the names of the several persons, companies, or corporations, in whose names any personal property, moneys, or credits shall have been listed in his township, and separately, in appropriate columns, opposite each name, the aggregate value of all articles of personal property enumerated in the ninth section, the value of all non-enumerated articles of personal property, other than the stock of merchants and manufacturers, the value of merchants' and manufacturers' stock, and the value of the moneys and credits listed in the name of each, as attested on oath by the person required to list the same, or as determined by the assessor.

Assessor to make return of his assessment on or before the 10th June, annually.

SEC. 35. The township assessor shall enter in a column to be provided for that purpose, opposite each entry of personal property, or of moneys and credits, in his return, the words "by the owner," or "by the assessor," as the same shall have been listed and valued by the person required to list the same or by himself. In every case where any person whose duty it is to list any personal property, moneys, or credits, for taxation, shall have refused to take and subscribe the oath required of him by this act, in regard to the truth of his statement, or in regard to the value of personal property, moneys, or credits, the assessor shall enter the words "refused to swear;" and in every case where any person required to list property for taxation shall have been absent, or unable, from illness or otherwise, to list the same, the assessor shall enter opposite his name the word "absent," "sick," or such other word as will express the cause of such inability;* and each township assessor shall, on or before the tenth day of June, annually, make out

Assessor to return whether list was made by owner or from other sources.

* All of section 35, after the word inability, in the 16th line, was copied into the enrolled bill by mistake. It is, as amended, contained in section 34.

and deliver to the auditor of his county, in tabular form and alphabetical order, the names of the several persons, companies, or corporations, in whose names any personal property, moneys, or credits shall have been listed, in each township within his district, and separately, in appropriate columns opposite each name, the aggregate value of all articles of personal property enumerated in the ninth section, the value of all non-enumerated articles of personal property other than the stock of merchants and manufacturers, the value of merchants' and manufacturers' stock, and the value of the moneys and credits listed in the name of each, as attested on oath by the person required to list the same, or as determined by the assessor.

Assessor shall return to county auditor all statements of property received.

SEC. 36. Each township assessor shall, at the time he is required by this act to make his return of taxable property to the county auditor, also deliver to him all the statements of property which he shall have received from persons required to list the same, arranged in alphabetical order; and the auditor shall carefully file and preserve the same.

Assessor to make oath to his return.

SEC. 37. Each township assessor shall take and subscribe an oath, which shall be certified by the magistrate administering the same, and attached to the return which he is required to make to the county auditor, in the following form:

I, _____, assessor for _____ township, in the county of _____, do solemnly swear, that the value of all personal property, moneys, and credits, of which a statement has been made and attested by the oath of the person required by the act for levying taxes on all property in this State according to its true value, to list the same, is truly returned, as set forth in such statement; that in every case where by law I have been required to ascertain the amount or value of the personal property, moneys, or credits, of any person, company, or corporation, I have diligently, and by the best means in my power, endeavored to ascertain the true amount and value of all such property, moneys, and credits; and that, as I verily believe, the full value thereof, estimated by the rules prescribed by said act, is set forth in the annexed return; that in no case have I knowingly omitted to demand, of any person of whom by said act I was required to make such demand, a statement of the description, of the amount and value of personal property, or of the amount of moneys and credits which he was required to list, or in any way connived at any violation or evasion of any of the requirements of said act; in relation to the listing or valuation of property, moneys, or credits, of any kind, for taxation.

DUTIES OF COUNTY AUDITORS.

County auditor's duties.

SEC. 38. The county auditor of each county shall, as soon as practicable after the fifteenth day of March, one thousand eight hundred and forty-six, make out, and deliver to the assessor of each district in his county, an abstract from the books in his office, containing a description of each parcel of real

property, situate within such district, with the name of the owner thereof, if known, and the number of acres or quantity of land contained therein, as the same shall appear on his books; and also a map of each township and town within such district.

SEC. 39. Each county auditor shall add to the value, as returned by the assessor, of all personal property, and of all moneys and credits, which the owner, or other person in behalf of the owner, whose duty it is made by this act to list the same, has neglected or refused to list, or to the value of which such person shall have refused to swear when required so to do, in obedience to the provisions of this act, fifty per centum on the value so returned by the assessor; and, in every such case, if said auditor shall have reason to believe that the value so returned by the assessor is below the true value of such personal property, or of such moneys and credits, he may at any time institute such further examination as to the amount and value of such property, moneys and credits, as he shall deem proper and necessary, and, for that purpose, he is hereby invested with all the authority conferred by this act on assessors in similar cases; and if it shall appear, upon examination, to the satisfaction of the auditor, that the value so returned by such assessor is below the true value of such property, the person whose duty it shall have been to list such property, moneys or credits, shall be liable for all costs attending such examination. Same subject.

SEC. 40. If any person required to list property for taxation, shall have been prevented by sickness, absence, or other unavoidable occurrence, from making out and delivering to the assessor such statement, such person, or his agent, having charge of such property, may, at any time before the assessment of taxes thereon by the county auditor, make out, and attest on oath before the proper assessor, or the county auditor, who is hereby authorized to administer such oath, a statement as required by this act; and the assessor or the county auditor shall, in such case, make an entry thereof on the return for the proper township, or correct the corresponding item or items in the return made by the assessor, as the case may require: but no such statement shall be received by the county assessor or auditor, or by the county commissioners, from any person who shall have refused to make out, attest on oath, and deliver to the assessor, such statement, within the time required by this act, nor from any person, unless he shall first make, and file with the county auditor or assessor, an affidavit that the person required by this act to list the same, was absent from his township, without design to avoid the listing of his property, or was prevented by sickness, or other unavoidable occurrence, (stating the same,) from making out and delivering to the assessor the required statement, within the time prescribed by law. Persons unavoidably prevented from making statements for assessor, may make out and deliver same to auditor before taxes assessed.

Auditor shall
correct returns
of assessor, and
how.

SEC. 41. If, from a careful examination of the returns made by the district assessors, the county auditor shall discover that any parcel of land, town lot, or part of either, in his county, shall have been omitted in the returns of such assessors, he shall add the same to his list of real property, as a separate parcel, with the name of the owner, if known, or add the same to any parcel of real property returned by the assessor, as the case may require; and he shall forthwith notify the assessor in whose returns such omission occurred, thereof, who shall forthwith proceed to ascertain, and return to the county auditor, the value of the parcel, or part thereof so omitted.

Same subject.

SEC. 42. Each county auditor shall, from time to time, correct any error which he may discover in the description, or in the quantity of land contained in his list of real property in his county; but in no case shall he make any deduction from the valuation of any parcel of real property, except such as shall have been ordered, either by the state board, or by the county board of equalization, in conformity with the provisions of this act, or upon the written order of the auditor of state, which written order shall only be made upon a statement of facts submitted to the auditor of state in writing.

Same subject.

SEC. 43. If any county auditor upon receiving the return of any township assessor, shall be satisfied that he has omitted any property, moneys, or credits, in his township, which he was bound to return, such auditor may authorize and require such assessor to proceed to correct any error or omissions which may have occurred in assessing the property, moneys, or credits of his township, and in such case, such assessor shall, within ten days after being so required and authorized, proceed to correct such errors and omissions, and make return thereof to the auditor of his county; but nothing herein contained shall authorize any assessor to reduce the amount assessed against any person in his former return.

COUNTY BOARD OF EQUALIZATION.

County board
of equalization
—how consti-
tuted, and their
duties.

SEC. 44. The county auditor, the county surveyor, the county commissioners, and the district assessors, or a majority of them, shall form a county board of equalization. They shall meet on the first Monday of August next, at the court house in their county, if the court be not in session, but if in session, at some other convenient place at the county seat; when the county auditor shall lay before them the returns of the real property, made by the several district assessors of such county, with the additions he shall have made thereto, and having each taken an oath, fairly and impartially, to equalize the value of the real estate of such county, agreeably to the provisions of this act, they shall immediately proceed to equalize such valuation, so that each parcel shall be entered on the tax list at its true value; and for this purpose, they shall observe the following rules:

1st. They shall raise the valuation of such parcels of real property as, in their opinion, have been returned below their true value, to such price or sum as they may believe to be the true value thereof, agreeably to the rules prescribed therefor, in the twelfth section of this act.

2d. They shall reduce the valuation of such parcels as, in their opinion, have been returned above their true value, as compared with the average valuation of the real property of such county, having due regard to the relative situation, quality of soil, improvements, natural and artificial advantages possessed by each parcel.

3d. They shall not reduce the aggregate value of the real property of the county, as returned by the assessors, with the additions made thereto by the auditor, as hereinbefore required.

4th. They shall equalize the valuation of the several new structures returned by the several assessors of their county; and in so doing, they shall not reduce the aggregate value of all new structures so returned, but such aggregate value, deducting therefrom the value of structures destroyed by fire, flood, or otherwise, as returned by the assessors under the provisions of this act, shall be added to the previous valuation of the real property of such county.

SEC. 45. Each county auditor shall, on or before the first day of September next, make out, and transmit to the auditor of state, an abstract of the real property of each township in his county; in which he shall set forth:

County auditor to make out an abstract of the real property in his county, and transmit to Auditor of State—and when.

1st. The number of acres, exclusive of town lots, returned by the several assessors in his county, with such additions as he shall have made thereto.

2d. The aggregate value of all such real property, other than town lots, as returned by the several assessors of his county, inclusive of such additions as shall have been made thereto under the provisions of this act.

3d. The aggregate value of the real property in each town in his county, as returned by the several assessors, with such additions as shall have been made thereto, and the number of the separate parcels.

SEC. 46. Each county auditor shall, on or before the first day of July next, make out and transmit to the auditor of state, a statement setting forth the aggregate value of personal property, other than the stock of merchants and manufacturers; the aggregate value of the stock of merchants and manufacturers; and the aggregate amount of moneys and credits in his county, as returned by the assessor, including the additions that he shall have made to each of said aggregates, agreeably to the requirements of this act; and also the amount added to the aggregate value of real property, under the provisions of the thirty-first section of this act.

County auditor to transmit to the Auditor of State aggregate value of personal property, stock in trade, and aggregate value of real property—and when.

STATE BOARD OF EQUALIZATION.

State board of
equalization —
how organized,
and duties.

SEC. 47. There shall be appointed, by joint resolution of the present general assembly, in each senatorial district of this state, some competent and suitable person, who shall have been a resident of the state at least ten years, and of the district for which he is appointed at least five years next preceding the time of his appointment, for the purpose of equalizing the valuation of real property among the several counties of this state; each of whom shall, within thirty days after such appointment, be notified thereof by the governor, and shall, before the first day of May next, inform the governor of his acceptance or nonacceptance of such appointment; and in each case where the governor shall not, within the time above specified, be informed of such acceptance, he shall consider said place vacant, and shall immediately appoint some person having the qualifications above required, to fill such vacancy, and notify the person so appointed thereof, who shall inform the governor of his acceptance or nonacceptance.

Same subject.

SEC. 48. The several persons so accepting such appointment, shall meet at Columbus on the fourth Monday of October next, and having reported themselves to the governor, who shall forthwith fill any vacancy that may then exist, shall each take an oath honestly and impartially, to the best of his knowledge and ability, so far as the duty devolves on him, to equalize the valuation of real property among the several counties and towns in the state, according to the rules prescribed by this act for valuing and equalizing the value of real property; and the persons so appointed and convened, together with the auditor of state, shall constitute a state board of equalization; and having received from the auditor of state the abstracts of real property transmitted to him by the several county auditors, shall proceed to equalize the same among the several towns and counties of the state, in the manner hereinafter prescribed.

1st. They shall add to the aggregate valuation of every county, which they shall believe to be valued below the average valuation of other counties of the state, such per centum, in each case, as will raise the same to the average valuation of all the counties of the state, according to the actual value of each, as compared with other counties.

2d. They shall deduct from the aggregate valuation of every county, which they shall believe to be valued above the average valuation of other counties, such per centum, in each case, as will reduce the same to the average valuation of all the counties of the state, according to the actual value of each, as compared with other counties.

3d. If they shall believe that right and justice requires the valuation of the real property of any town or towns in any county, or of the real property of such county not in towns, to be raised or to be reduced, without raising or reducing the

total valuation of such county, or without raising or reducing it in the same ratio, they may, in every such case, add to or take from the valuation of any one or more of such towns, or of property not in towns, such per centum as they shall believe to be right and just.

They shall not add to or take from the aggregate valuation of all the real property of the state, as contained in the abstracts of the several county auditors, so as to raise or reduce such aggregate more than five million dollars.

DUTIES OF STATE AUDITOR.

SEC. 49. When the state board of equalization shall have completed their equalization of real property among the several counties, the auditor of state shall transmit to each county auditor a statement of the per centum to be added to or deducted from the valuation of the real property of his county, specifying the per centum added to or deducted from the valuation of the real property of each of the several towns, and of the real property not in towns, in case an equal per centum shall not have been added to or deducted from each; and the county auditor shall forthwith proceed to add to or deduct from each parcel of real property in his county, the required per centum on the valuation thereof, as it stands after the same shall have been equalized by the county board of equalization; adding, moreover, or deducting, in each case, any fractional sum of less than fifty cents, so that the value of any separate parcel of real estate shall contain no fraction of a dollar.

State Auditor's duties.

SEC. 50. The auditor of state shall, on or before the fifteenth day of July, annually, determine the aggregate per centum to be levied on the whole taxable property of the state, in order to produce such sums as the general assembly shall, from year to year, direct to be levied for the following purposes:

Same subject.

1st. For defraying the ordinary expenses of the state government and of its public institutions, to be denominated the "general revenue."

2d. For the support of common schools, to be denominated "the common school fund." And also to produce such sum as he shall determine to be necessary, when added to the net income of the public works, to pay the interest on the debt of the state, to be denominated the "interest fund;" and he shall immediately give notice to each county auditor of the rate per centum so to be assessed for the purposes named in this section, which shall be denominated on the tax lists, "tax for state purposes."

DUTY OF COUNTY AUDITORS AS TO MAKING TAX LISTS AND DUPLICATES AND ASSESSING TAXES.

SEC. 51. Each county auditor shall make out, in a book to be prepared for that purpose, in such manner as the state auditor shall prescribe, a complete list or schedule of all the taxable

Duplicates—how made, and where.

property, and the value thereof, arranged in the form following, that is to say :

Each separate parcel of real property in each township of his county, other than town property, shall be contained in a line or lines opposite the name of the owner or owners, which names shall be arranged in alphabetical order.

Each separate parcel of real property, in each town, shall be set down in a line or lines opposite the name of the owner or owners, arranged in alphabetical order, in each town.

The value of personal property of each person, company or corporation, within each township, shall be set down opposite the name of the owner or person in whose name the same is listed, and which names shall, within each township, be arranged in alphabetical order, specifying, in separate columns, the value of personal property, other than merchants' and manufacturers' stock ; the value of merchants' and manufacturers' stock, and the value of moneys and credits.

Same subject.

SEC. 52. Each county auditor, after receiving from the auditor of state, and from such other officers and authorities as shall be legally empowered to determine the amount of taxes to be levied for the various purposes authorized by law, statements of the amounts so to be levied, shall forthwith proceed to determine the sum or sums to be levied upon each parcel of real property, and upon the amount of personal property, moneys and credits listed in his county, in the name of each person, company or corporation, which shall be assessed and set down in three or more columns, in such manner and form as the auditor of state shall prescribe : Provided, that all taxes levied for state purposes, and all taxes levied for county purposes, shall each be set down in a separate column : and provided, also, that each county auditor, in determining the per centum to be levied for any purpose or purposes, on any property entered in his books for taxation, when the amount so levied is to be set down in one column, shall assume such per centum not containing any fractions of less than one-fifth of a mill, as will produce a gross sum nearest the amount which he is required to levy for such purposes, and in extending the sum levied on any parcel or amount of property, money or credits, he shall carry out no fraction of a cent, but in any case when such fraction is greater than half a cent, it shall be carried out one cent.

Auditor shall assess taxes on one half of the value of personal property, and whole value of real estate for 1846.

SEC. 53. In assessing taxes for the year one thousand eight hundred and forty-six, the county auditor shall assume as the value of all personal property and of money and credits, one-half the value, as returned by the assessors, under the provisions of this act, for the year one thousand eight hundred and forty-six, including such additions as he shall have made thereto, in obedience to its requirements, and upon such assumed value, and upon the whole value of real property, as the same now stands upon the lists of taxable property, he shall assess an equal per centum of taxes.

Sec. 54. For the year one thousand eight hundred and forty-seven, and for each succeeding year, each county auditor, for every purpose for which he is required to assess taxes, shall assess an equal per centum of tax on all real and personal property, and moneys and credits subject to such tax, agreeably to the value thereof, as determined and equalized under the provisions of this act.

Shall assess equal per centum on all property, for 1847, and thereafter.

DUTY OF COUNTY COMMISSIONERS IN REGARD TO TAX FOR COUNTY PURPOSES.

Sec. 55. The county commissioners of each county shall, at their June session, annually, determine on the amount to be raised (instead of the per centum to be assessed, as heretofore,) for ordinary county purposes, for bridges, for public buildings, and for the support of the poor, and also the sum to be raised for road purposes, not exceeding in amount, for either of those purposes, the sum which, the per centum, they are, by existing laws, authorized to assess on the taxable property of their county, now entered on the list or duplicate, will produce: Provided, that the county commissioners of the counties of Ashtabula, Trumbull, Portage, Geauga, Lake, Cuyahoga, Lorain, Summit, Medina, Ottawa, Monroe, Belmont, Huron and Erie shall, at their meeting on the first Monday of March, in each year, determine the amount of road tax to be levied for that year, and the same shall be assessed upon the duplicate of property of the preceding year, and said tax shall be expended upon the roads in the manner pointed out by the law now regulating road taxes in said counties.

County commissioners' duties in levying county tax.

Commissioners of Ashtabula, Trumbull, Portage, Geauga, Medina, and others—when and how to levy road tax.

DUTY OF TOWNSHIP TRUSTEES, AS TO LEVYING TAX FOR TOWNSHIP PURPOSES.

Sec. 56. The trustees of the several townships in each county shall, on or before the fifteenth day of June, annually, determine the amount necessary to be raised in their townships, respectively, for the various purposes for which they are authorized by the second section of the act passed January fifteen, one thousand eight hundred and thirty-three, to amend the act entitled "an act to provide for the incorporation of townships," not exceeding, for either of such purposes, the amount which the per centum on the present amount of the taxable property of such township, authorized by said section, will produce; and said trustees shall immediately give notice to the auditor of their county, of the amount so to be levied.

Trustees of townships—when and how to levy township tax.

REVALUATION OF PROPERTY.

Sec. 57. Every sixth year, computing from the year one thousand eight hundred and forty-six, the real property of the state shall be relisted, valued, returned and equalized in the

Revaluation—when and how.

manner pointed out in this act; and for those years, district assessors shall be appointed in the manner hereinbefore prescribed.

Township assessor to list annually all real property not before subject to taxation.

SEC. 58. Each township assessor shall, annually, at the time of taking a list of personal property, also take a list of all real property situate in his township, that shall have become subject to taxation since the last previous listing of property therein, with the value thereof, estimated agreeably to the rules prescribed therefor by the twelfth section of this act, and of all new buildings, or other structures of any kind, of over one hundred dollars in value, the value of which shall not have been previously added to, or included in the valuation of the land on which such structures have been erected, and shall make return to the county auditor thereof, at the same time he is required by this act to make his return of personal property; in which return he shall set forth the parcel of real property on which each of such structures shall have been erected, the kind of structure so erected, and the true value added to such parcel of real property, by the erection thereof; and the additional sum which it is believed the land on which the structure is erected would sell for, at private sale, in consequence thereof, shall be considered the value of such new structure; and in case of the destruction, by fire, flood or otherwise, of any building or structure of any kind, over one hundred dollars in value, which shall have been erected previous to the last valuation of the land on which the same shall have stood; or the value of which shall have been added to any former valuation of such land, the assessor shall determine, as nearly as practicable, how much less such land would sell for, at private sale, in consequence of such destruction, and make return thereof to the county auditor, as in this section before provided.

County auditor to correct valuation from year to year, & how.

SEC. 59. Each county auditor shall correct the valuation of any parcel of real property on which any new structure, of over one hundred dollars in value, may have been erected, or on which any structure of the like value shall have been destroyed, as specified in the preceding section, agreeably to the return thereof, made in accordance with the provisions of said section, by the assessor, and assess taxes for that, and for each succeeding year, upon such corrected valuation.

Capital stock of banks and other corporations to be taxed—and how.

SEC. 60. The capital stock paid in and remaining as capital stock undiminished by losses, inclusive of the value of all personal property, moneys, and credits of whatsoever kind, not forming part of such capital stock, belonging to any banking company or other joint stock company, that shall have been, or may hereafter be incorporated in this State, (including stage companies,) deducting from the moneys and credits of such company the amount of debts actually owing by such company, shall be listed for taxation by the principal accounting officer of such company, as property owned by natural persons is required to be listed in the township where the principal office of such company is kept; and taxes thereon shall be assessed,

collected, paid over and appropriated as prescribed in the succeeding section of this act; but the provisions of this section shall not extend to any banking or other joint stock company, which now is or may hereafter be organized, whose charter or act of incorporation shall have guarantied to such company an exemption from taxation, or has prescribed any other as the exclusive mode of taxing the same.

SEC. 61. The auditor of state, annually, as soon as he shall have received from the several county auditors statements of the aggregate value of taxable property in their respective counties, and of the total amount of taxes of all descriptions assessed therein for such year, as required by this act, shall determine from such statements the average per centum assessed throughout the State, upon the total value of all the property entered on the grand list for taxation, and notify each county auditor, in whose county the principal accounting office of such banking or other joint stock company may be situated, of such average per centum; and every such county auditor shall assess, on the capital stock and other personal property listed by or on behalf of every such company, as prescribed in the preceding section, the per centum of tax so ascertained, and set down the whole amount thereof in the column of taxes for "state purposes;" and such tax shall be collected, accounted for, and paid over, as other taxes levied for State purposes.

Auditor of State to determine the per centum to be levied on banks, &c., and notify county auditor.

SEC. 62. Any district or township assessor who shall deem it necessary, to enable him to complete, within the time prescribed by this act, the listing and valuation of the property, moneys, and credits of his district or township, may, with the approbation of the county auditor, appoint some well qualified citizen of his county or township, as the case may be, to act as an assistant, and assign to him such portion of his district or township as he shall think proper; and each assistant so appointed shall, within the division of such district or township assigned him under the direction of the assessor, after giving bond and taking an oath, as prescribed in this act, perform all the duties enjoined upon, vested in, or imposed upon assessors by the provisions of this act.

Assessor may employ an assistant—and how.

SEC. 63. Each assessor, and each member of the county board of equalization, shall be entitled to receive, for each day necessarily employed in the performance of the duties enjoined on him by this act, such sum as the commissioners of his county shall allow, not exceeding two dollars, to be paid out of the county treasury, on the order of the county auditor. Each member of the state board of equalization shall receive, for each day he shall attend on the sessions of said board, two dollars, and the like sum for every twenty-five miles he shall necessarily travel in going to and returning from Columbus, to be paid out of the state treasury, on the order of the auditor of state.

Fees of assessors, board of equalization, & others.

Penalty for neglect or refusal to perform duties.

SEC. 64. Every county auditor, and every district and township assessor who shall, in any case, refuse or knowingly neglect to perform any duty enjoined on him by this act, or who shall consent to, or connive at any evasion of its provisions, whereby any proceeding required by this act shall be prevented or hindered, or whereby any property required to be listed for taxation shall be unlawfully exempted, or the valuation thereof be entered on the tax list at less than its true value, shall, for every such neglect, refusal, consent or connivance, forfeit and pay to the state not less than two hundred nor more than one thousand dollars, at the discretion of the court, to be recovered before any court of record in the state.

Auditor of State to transmit copies to auditors of counties, and with Attorney General to decide questions arising as to the construction of this act. Appeals allowed. Laws repealed.

SEC. 65. The auditor of state shall, as soon as practicable, after the passage of this act, prepare and transmit to the several county auditors all such forms and instructions as he shall deem necessary to carry into effect its provisions; and, with the advice of the attorney general, he shall decide all questions which may arise as to the true construction of this act, subject, however, in all cases, to an appeal to the supreme court.

SEC. 66. All laws and parts of laws inconsistent with the provisions of this act, and all such laws and parts of laws as are superseded by the provisions of this act, be, and the same are hereby repealed.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

Supplementary to the "Act for levying taxes on all property in this State, according to its true value."

Commissioners of county may meet on other day than third Monday in March.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if, from any cause, the county commissioners, or associate judges, of any county shall be prevented from meeting on the third Monday in March, of the present year, for the purpose of performing the duties enjoined on them by the twentieth section of the act to which this is supplementary, it shall be their duty to meet as soon thereafter as practicable, for the purpose of performing such duties; and all acts lawfully done by them, in obedience to the requirements of said section, at such subsequent meeting, shall be as valid as if done at a meeting held on said third Monday in March.

Commissioners of certain counties — when to levy road tax.

SEC. 2. The commissioners of the counties of Trumbull, Portage, Geauga, Lake, Cuyahoga, Medina, Lorain, Summit, Huron, Ashtabula, Erie, Belmont, and Monroe, may levy the

road tax for their respective counties, for the year one thousand eight hundred and forty-six, at a special meeting to be held on the third Monday in March, one thousand eight hundred and forty-six, upon the duplicates of the last year.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

To amend certain acts in relation to the Asylums for the Deaf and Dumb, and for the Blind.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the superintendents of each of these institutions shall receive the annual salary of one thousand dollars, and no more, to be paid quarterly, on the order of the board of trustees; and he shall not, directly or indirectly, receive any further pay or perquisites whatever, except the use of his family apartments. Superintendents' salary.

SEC. 2. That the trustees of each of these institutions shall, at a meeting of the board, appoint one steward, whose compensation shall not exceed five hundred dollars per annum, who shall perform the same duties, and be subject to the same liabilities and restrictions, in regard to his proper institution, as is the steward of the Ohio Lunatic Asylum, under the act to provide for the government of that institution, and the act amendatory thereto. A steward to be appointed.

SEC. 3. That the proviso to an act in relation to the Deaf and Dumb Asylum, passed April third, one thousand eight hundred and thirty-seven, and the proviso to the fourth section of an act making further provision for the instruction of the blind, passed March tenth, one thousand eight hundred and thirty-eight, and all parts of acts making appropriations for the support of pupils in both institutions named in this act, and so much of the act, passed February thirteenth, one thousand eight hundred and forty-two, as directs the auditor to draw bills on the treasurer for one-fourth of the duties on sales at auction, in the county of Hamilton, in favor of the trustees of the Asylum for the Deaf and Dumb, be, and the same are hereby repealed. Repealing former acts.

SEC. 4. That the board of trustees of the above Institution for the Instruction of the Blind shall hereafter consist of six members, to be appointed in the same manner as is provided in the section following, in regard to the trustees of the Deaf and Dumb Asylum; but their offices shall continue for six years, and one of their number shall be elected president of the board. Number of trustees.
One to be president.

Repeal of former act.

Number of trustees, and term of office.

Governor to appoint in case of vacancy.

Time when the board of trustees take office.

SEC. 5. That the second section of the act to establish an asylum for the education of deaf and dumb persons, &c., passed March third, one thousand eight hundred and thirty-one, be repealed; and that the board of trustees of the Deaf and Dumb Asylum shall hereafter consist of six members, who shall be appointed by joint resolution of the General Assembly: the first shall hold his office for the term of one year; the second, for the term of two years; the third, for the term of three years; the fourth, for the term of four years; the fifth, for the term of five years; and the sixth, for the term of six years; and, after the first appointment of trustees shall expire, the successor of each trustee shall be appointed for the term of six years; and in case a vacancy should happen in the office of trustee the governor may fill any such vacancy; and the person so appointed shall qualify in the manner heretofore provided, and shall hold his office until the legislature shall appoint a person to fill the place during the remainder of the term; and the trustees shall hold their office until their successors shall be appointed and qualified.

SEC. 6. That the duties of the trustees appointed under the provisions of this act, shall commence on the first day of April next; and no change shall be made in the government of the institutions aforesaid, as provided for in this act, until from and after the first day of April aforesaid.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

To punish the embezzlement of public moneys, and for other purposes.

Acts constituting the offence.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any officer appointed or elected by virtue of the constitution of this state, or any law thereof, or if any agent or servant of this state, shall convert to his own use, in any way whatever, or shall use, by way of investment in any kind of property or merchandise, or shall make way with or secrete any portion of the public moneys, or any valuable security by him received for safe keeping, disbursement, transfer, or for any other purpose, or which may be in his possession, over which he may have the supervision, care or control, by virtue of his office, agency or service, every such act shall be deemed and adjudged to be an embezzlement of so much of the said money, security or securities as shall be thus taken, converted,

used, invested, made way with or secreted, which is hereby declared to be a misdemeanor; and such officer, agent or servant, and all persons advising or participating in such act, being convicted thereof, shall be punished in the manner, and to the extent that is or may be prescribed, by law, for the punishment of the offence of feloniously stealing property of the value of the moneys, security or securities so taken, converted and invested, made away with or secreted as aforesaid. Penalty.

SEC. 2. No such officer, agent or servant shall loan out, with or without interest, any money or valuable security received by him, or which may be in his possession or keeping, or over which he may have supervision, care or control, by virtue of his office, agency or service; and any such officer, agent or servant, so loaning such money or valuable security, on conviction thereof, shall pay, for the use of the state, a fine not less than fifty dollars, nor more than five hundred dollars, and shall, moreover, be adjudged to have forfeited his said office, and shall be incapable of holding any office under the constitution or laws of this state, for five years thereafter. Public money not to be loaned

Penalty.

SEC. 3. If any such officer, agent or servant shall make any contract or agreement with any person or body corporate, by which such officer, agent or servant is to derive any benefit or advantage from the deposit, with such person or body corporate, of any moneys or valuable security held by such officer, agent or servant, such contract shall, as to such officer, agent or servant, be utterly null and void; but the person or body corporate making such contract or agreement, shall be liable to the state, in an action, for the recovery of all such benefit or advantage as would, by the terms of such contract or agreement, have accrued to such officer, agent or servant; and payment to the officer, agent or servant shall not protect the person or body corporate against the action brought by the state. No contract to be made for individual or corporate advantage.

SEC. 4. Any such officer, agent or servant who shall make any contract or agreement such as is described in the preceding section, or who shall receive any benefit or advantage for the deposit of any money or valuable security held by him as such officer, agent or servant, or over which he may have supervision, care or control, by virtue of such office, agency or service, shall, upon conviction thereof, be fined in any sum not less than fifty dollars, nor more than five hundred dollars. Penalty for violating preceding section.

SEC. 5. All prosecutions under this act shall be by indictment in the court of common pleas.

SEC. 6. This act shall take effect from and after the fourth day of July next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

To amend an act passed March 11, 1843, entitled "An act further to amend the act entitled an act for the support and better regulation of Common Schools, and to create permanently the office of Superintendent of Common Schools," passed March 7, 1838.

How judgments
obtained
against school
districts, in cer-
tain cases may
be levied, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cases where suit has been, or shall have been brought against a school district, to recover money for land on which to build a school house, or for labor performed upon, or materials furnished for a school house, and judgment or decree has been, or shall be obtained against such district for costs, the amount of such costs, with lawful interest thereon, may be levied, collected and paid over in the same manner as is provided by the first section of the act passed March eleven, one thousand eight hundred and forty-three, entitled "an act further to amend the act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March seven, one thousand eight hundred and thirty-eight, for levying, collecting and paying over the decrees and judgments therein specified.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

March 2, 1846.

AN ACT

For the protection of purchasers at judicial and tax sales.

Provision in fa-
vor of titles
rendered inval-
id by defect in
proceedings.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, upon sale of property on execution, the title of the purchaser shall be invalid by reason of a defect in the proceedings, the purchaser may, in equity, be subrogated to the right of the creditor against the debtor to the extent of the money paid and applied to the debtor's benefit, and, to the same extent, shall have a lien on the property sold, as against all persons excepting bona fide purchasers without notice: Provided, however, that nothing herein contained shall be construed as requiring the creditor to refund the purchase money by reason of the invalidity of any sale made upon his execution.

Extent of pro-
vision.

SEC. 2. The preceding section shall apply, also, to all sales by order of court, sales by executors, administrators and guardians, and to sales for taxes.

SEC. 3. Any person having a lien upon real estate may pay the taxes thereon in so far as the same are a lien upon such real

estate, and the amount of taxes so paid shall, from the time of payment, operate as a lien upon such real estate, in preference to all other liens, and the money so paid may also be recovered by action for money paid to his use against the person or persons legally liable for the payment of such tax.

Preference given to tax liens.

SEC. 4. That purchasers of lands which have been, or which may hereafter be sold at tax sales of delinquent and forfeited lands, shall have a right to recover possession of the land or lot purchased at such sale, by an action of forcible detainer, and the deed or certificate of the auditor shall be prima facie evidence of the right of the purchaser or his assignee to recover such tract or lot, in such action which shall not be impeached or set aside by evidence of any informality or irregularity in levying the tax, or in any of the proceedings previous to such sale; and said purchaser, or his assignee, may offer verbal testimony to identify the particular tract or lot sold, or to correct or explain the deed or certificate of the auditor.

Mode of action by which purchasers at tax sales may obtain possession, &c.

SEC. 5. This act shall take effect from and after the fourth day of July next.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

To amend the act concerning Divorce and Alimony, passed March sixth, one thousand eight hundred and forty.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That any married woman, by her next friend, may file her bill in chancery in the supreme court, or court of common pleas, setting forth that her husband, from habitual intemperance, or any other cause, is about to waste and squander the property to which he is entitled in her right, or any part thereof, or is proceeding fraudulently to convert the same to his own use, for the purpose of placing it beyond her reach, and depriving her of the benefit thereof; and the court, upon the hearing of the case, may enjoin the husband from disposing of, or otherwise interfering with such property, and may appoint a receiver, to manage and control the same, for the benefit of the wife; and may also make such other order in the premises as they may deem just and proper.

Mode of procedure.

Power of the court.

SEC. 2. Upon the filing of such bill, a provisional injunction may be allowed, as in other cases:

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

To amend the act entitled an act supplementary to the act to prevent unauthorized banking, and the circulation of unauthorized bank paper, passed January twenty-second, one thousand eight hundred and forty-six.

The former law so amended as to extend the time to the state treasurer.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the act entitled an act supplementary to the act to prevent unauthorized banking, and the circulation of unauthorized bank paper, passed January twenty-second, one thousand eight hundred and forty-six, as prohibits the state treasurer of this state from putting in circulation, or passing out any note or notes of any bank described in the fifth section of the act to which this is an amendment, be, and the same is hereby suspended until the fifteenth day of August next; and that from and after said fifteenth day of August, it shall be unlawful for the treasurer of state, the county treasurer of any county, or any collector of tolls on any of the public works of this state, either to receive, pay out, or otherwise give circulation to any note or notes of any of the banks described in the fifth section of the act aforesaid.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

March 2, 1846.

AN ACT

For the settlement and payment of claims for work on the National Road.

The persons designated to examine.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of commissioners appointed under the act entitled "an act to appoint commissioners to examine the books, accounts and proceedings of the board of public works, and for other purposes," passed March sixth, one thousand eight hundred and forty-five, are hereby authorized and required to examine such claims for work on the National Road as shall be presented to them before the first day of July, one thousand eight hundred and forty six; and one of said commissioners, to be designated by said board, shall attend at St. Clairsville, in the county of Belmont, on Monday, the thirteenth day of April, one thousand eight hundred and forty-six; at Cambridge, in the county of Guernsey, on the following Thursday; at Zanesville, in the county of Muskingum, on the following Monday; at Columbus, in the county of Franklin, on the following Monday; and at Springfield, in the county of Clark, on the following Monday, to receive and investigate such claims; at which time and places the resident engineer of that

Places and times of meeting.

division of said road in which such places of meeting are respectively situated, shall attend and assist the commissioner in his investigations; and the commissioner making such investigations, on or before the first day of June, one thousand eight hundred and forty-six, shall make report of his investigations to the board of commissioners, at a meeting of said board at the city of Columbus, to be appointed, by said board, for that purpose; and on Monday, the fourth day of June, said board shall proceed to examine all such claims which shall be presented to them, whether the same were or were not presented to said commissioners, and shall allow all such claims as may be held by any contractor, subcontractor or laborer on said road, for labor performed, or materials furnished by himself as such contractor, subcontractor or laborer, for the repairs of said road, and all such claims as may be held by such person or persons as may have furnished materials or necessities for any contractor, subcontractor or laborer on said road, while engaged in repairing the same, where the claim is for such materials or necessities: Provided, that no such claim shall be allowed unless the commissioners shall be satisfied that the same is equitable and just; and no other claims, except those above named as being held by contractors, subcontractors or laborers, or by such as may have furnished materials or necessities as above, shall be audited and allowed by the commissioners aforesaid; and the said commissioners shall further inquire into and examine all other claims for work done or materials furnished on said road, which may be presented to them in accordance with the provisions of this section, and shall report to the auditor of state what was the original consideration of each of such claims, as nearly as can be conveniently ascertained; and where the same have been transferred, shall state, as nearly as may be, the date of each transfer and the consideration paid therefor at each several transfer.

What claimants are to be preferred.

Proviso as to the equity and justice of claims.

Report to be made to the auditor.

SEC. 2. Before any claim shall be allowed by the commissioners, as provided in the preceding section, they shall require the claimant to state, on oath, that he has not taken a transfer or retransfer thereof, for the purpose of procuring payment under the provisions of this act; and the commissioner appointed to examine claims, as prescribed by the preceding section, is hereby authorized to examine, on oath, every person presenting or professing to be the owner of any such claim, touching the original consideration and validity of such claim, the time when, the person or persons of whom purchased, and the price paid therefor; and if any such person, so presenting or professing to be the owner of any claim, shall refuse to answer, on oath, such pertinent question as shall be put to him by said commissioner under such authority, such claim shall not be allowed or reported, as presented by the preceding section, but the same shall be rejected.

Claimants required to make oath as to the character and consideration of their claims.

Power to compel attendance, &c., of witnesses.

SEC. 3. The commissioner designated to receive and investigate said claims, when employed in such service, shall have the same power to compel witnesses to attend and testify, as said board have in conducting their investigations under the act authorizing the appointment of said board, and the act amendatory thereto.

Indorsement to be made on certificates.

SEC. 4. The commissioner making such investigation shall indorse, on each certificate or claim presented, the date, and by or on whose behalf the same was presented, to which he shall sign his name as such commissioner; and when any such certificate or claim shall have been investigated and decided upon by said board, the clerk of said board shall indorse thereon such decision, together with the date thereof, and sign his name as such clerk.

A statement of certificates to be made to the auditor.

SEC. 5. Said board shall deliver a full statement of said certificates and claims, duly certified and signed by them, to the auditor of state, on or before the first day of July, one thousand eight hundred and forty-six, and the auditor of state shall, thereupon, immediately report to the board of fund commissioners a schedule of the certificates and claims allowed, which said board shall make out transferable certificates of Ohio state stock, bearing an interest of six per cent. per annum, (as Ohio state stocks are made out in other cases,) for the amount allowed by said board in each case, redeemable at the state treasury at the pleasure of the state, the interest payable from the first day of July, eighteen hundred and forty-six, and semi-annually thereafter, on the first day of January and July, at the state treasury; every such certificate of stock shall specify the act by virtue of which it was issued, the rate of interest, the times when, and place where the principal and interest are payable, and that it is issued for work done on the National Road.

Mode of payment prescribed.

Duty of fund commissioners.

SEC. 6. The fund commissioners shall report to the auditor of state the issuing of said certificates of state stock, and shall deliver such certificates to the treasurer of state, who shall make receipts therefor as in other similar cases, and the treasurer shall, upon the proper warrant of the auditor, deliver to the holders of said certificates and claims allowed, the certificates of state stock so made out as aforesaid, and account, with the auditor of state, as for other disbursements.

The net revenue from tolls to be applied to payment of the interest of stock.

SEC. 7. The net revenues arising from tolls on said road, over and above the expenses of repairing and superintending the same, and after paying the debt now due to Neil, Moore and Company, are hereby specifically pledged to the payment of said interest, the redemption of said stock, and the reimbursement to the state treasury of all payment therefrom on account of said claims; and the faith of the state is hereby pledged for the punctual payment of the interest, and the final redemption of said stock.

SEC. 8. That for the purpose of paying the claims against the National Road, it shall be the duty of the board of public works to erect, or cause to be erected, gates or half gates, at any point or points not within the corporate limits of any town, that will, in their judgment, be calculated to insure the collection of the greatest amount of tolls from said road.

Duty of board
of public works.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

To provide for the paying certain debts on the public works of the State.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby appropriated, for the purposes hereinafter named, the following sums, that is to say—

For the payment of awards for damages sustained by the construction of the Miami Extension Canal, twelve thousand eight hundred and thirteen dollars fifty-one cents;

For Miami Ex-
tension Canal.

For the payment of awards for damages sustained by the construction of the Wabash and Erie Canal, three thousand nine hundred and twenty-five dollars;

For Wabash
and Erie.

For the payment of balances due to contractors for the construction of the Wabash and Erie Canal, any sum not exceeding twenty thousand dollars;

Do.

For the payment of balances now due for repairs on the Ohio Canal, the Miami Canal, the Hocking Canal, the Walhonding Canal, the Miami Extension Canal, and the Muskingum Improvement, any sum not exceeding sixty thousand dollars.

Ohio Canal, &c

SEC. 2. For the purpose of raising money to pay the appropriations made by the first section of this act, the commissioners of the canal fund are hereby authorized to issue certificates of funded debt, not less, in any case, than one hundred dollars, redeemable at the pleasure of the state at any time after the first day of January, one thousand eight hundred and fifty-three, at the state treasury, bearing interest at the rate of six per cent. per annum, payable semi-annually, on the first days of May and November, at the state treasury, and transferable at the office of the state auditor, in such manner as the commissioners of the canal fund shall prescribe; and to sell said stock in any manner which they shall deem most conducive to the interests of the state, at the best price they shall be able to obtain therefor, not less than the par value thereof, either to the

Mode by which
the money to
pay these ap-
propriations
shall be raised.

legal holders of the claims referred to in the first section of this act, in payment of such claims, or to any other person or persons, company or corporation, as they shall think best, in order to the prompt discharge of such claims; but if such commissioners shall be unable to sell said certificates of funded debt at their par value, for the purpose of raising money to pay the appropriations made by the first section of this act, any person holding any claim against the state, payable out of any such appropriation, may, at his option, receive a certificate or certificates of funded debt, at par, in payment thereof, or may receive a certificate signed by the treasurer of state, and countersigned by the auditor, stating the amount due him, and on what account, bearing interest from the date thereof, and all such certificates, so issued by the treasurer, shall be paid at the state treasury, as soon as money sufficient can be raised therefor by the sale of the certificates of funded debt authorized, by this act, to be issued, of which the treasurer of state shall give notice by publication in two newspapers of general circulation printed in Columbus.

SEC. 3. For the punctual payment of the interest, and for the redemption of the principal of all certificates of funded debt issued and sold under the authority granted by this act, the faith of the state is hereby irrevocably pledged; and all such certificates of stock shall be receivable in payment of canal, school or ministerial lands sold by authority of law; and no tax shall be levied on such certificates, or on the interest payable thereon.

SEC. 4. The commissioners of the canal fund shall have power, and it is hereby made their duty to examine into the validity of any claim or claims for money on account of construction on the Wabash and Erie Canal, and if they shall be of opinion that any such claim shall not be founded upon a contract lawfully and fairly made, or that the same is, in any other respect, fraudulent or unjust, they shall withhold payment thereon, and report the facts connected therewith, which they shall have ascertained, to the next general assembly.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

March 2, 1846.

AN ACT

Relating to the duties of County Treasurers.

County treasurers, for purposes specified, to make payment or deposit

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of aiding in the payment of interest on the state debt, the several county treasurers in this state shall, on the twentieth day of December, annually,

transmit or pay over to the state treasurer, or deposit with such safe and convenient bank or banker as the treasurer of state shall designate, subject to his order, such moneys not exceeding the amount assessed on the duplicate of such county for state purposes, as he shall have collected previously to that day.

20th of December.

SEC. 2. That county treasurers shall remit quarterly, to the treasurer of state, all moneys received by them for sections sixteen and twenty-nine, as soon after the same shall be received by them as practicable, and interest shall be paid by the state for the same, from the time it is paid into the state treasury.

County treasurers to remit quarterly, certain moneys.

SEC. 3. That hereafter the time for making the annual settlement of the county treasurer of Hamilton county with the auditor of state, be, and the same is hereby extended to the first day of March in each and every year; but the treasurer of said county shall be subject to the provisions of the first section of this act.

Time of making settlement with county treasurer of Hamilton county extended.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

To amend an act to tax Bank, Insurance and Bridge Companies, passed March 12, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That every bank and banking company heretofore organized, and now doing business as a bank in this state, other than banks organized under the act to incorporate the state bank of Ohio and other banking companies, including the Ohio Life Insurance and Trust Company, shall, semi-annually, on the days prescribed for declaring dividends, and whether any such dividend be declared on such days or not, set apart to the state six per centum on the gross profits of such bank or banking company, for the six months next previous, deducting from such gross profits ascertained losses and necessary expenses for said six months, and the cashier shall forthwith notify the auditor of state of the amount so set apart, and pay the same, on his order, to the treasurer of state.

All banks, except those specified, required semi-annually to set apart, after certain deductions, six per cent. of gross profits for the use of the state.

SEC. 2. The provisions of the foregoing section shall not apply to any bank whose charter prescribes the amount or rate of tax to be paid by such bank, unless the right shall have been therein reserved to the legislature to amend its act of incorporation in reference to the amount of tax to be levied, or the right to impose such tax as may be imposed upon other banks of this state.

The provisions of first section not applicable to banks where the charter provides the amount of tax to be paid.

Provision in reference to insurance companies.

SEC. 3. Every insurance company incorporated by the general assembly of this state, shall, at the times prescribed for declaring dividends, if any such times shall have been prescribed, and if not, on the first Monday of January, annually, set apart, for the state, six per centum upon the gross profits made by such company since the last previous time of setting apart to the state such tax, deducting from such profits necessary expenses and ascertained losses paid or to be paid out of such profits, and the secretary, or other principal accounting officer of such company, shall immediately notify the state auditor of the amount so set apart, and shall pay the same to the state treasurer on his order.

Sums set apart in lieu of taxes.

SEC. 4. The sums set apart by banks and insurance companies shall be in lieu of taxes charged on such banks and insurance companies, and shall be credited, when received into the state treasury, by the auditor and treasurer of state, to the interest fund.

SEC. 5. All such provisions of former laws as are contrary to, or are superseded by the provisions of this act, are hereby repealed.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

To repeal the third section of an act passed March twelve, one thousand eight hundred and forty-four, to amend the act entitled an act pointing out the mode of levying taxes, passed March fourteen, eighteen hundred and thirty-one,

Repealing act.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the third section of the act passed the twelfth of March, one thousand eight hundred and forty-four, further to amend the act entitled an act pointing out the mode of levying taxes, passed March fourteen, one thousand eight hundred and thirty-one, shall be, and the same is hereby repealed.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

To prescribe the duties of the Board of Public Works, the Canal Fund Commissioners, the Auditor and Treasurer of State, in regard to the receipt and disbursement of the canal fund, and the receipt of delinquent taxes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all moneys accruing from tolls, fines and water rents on the public works belonging to the state, from dividends on the stocks of the state in railroad, turnpike, canal and slackwater navigation companies, and from taxes levied in aid of the canal fund, shall be paid to the state treasurer, on the certificate of the state auditor, and shall be credited, on the books of said officers, to the canal fund.

To whom and how the moneys arising from tolls to be paid.

SEC. 2. The state auditor shall keep a separate account of the moneys received into the treasury from each of the public works of the state, and from each in which the state has an interest, and also a separate account of the proceeds of taxes assessed on the grand levy, in aid of the canal fund, and of the amount received from the several other sources of revenue appropriated, by law, to the canal fund, or to the interest fund, and state the amount received from each of such sources, to the general assembly, in his annual report.

How the auditor of state to keep accounts.

SEC. 3. All moneys in the state treasury belonging to the canal fund shall be reported once in every sixty days to the commissioners of said fund, by the auditor of state, and shall be subject to the order of said commissioners, and shall be paid out of the treasury or appropriations made by them, in such manner, and under such rules and regulations as they shall, from time to time, prescribe.

Report to be made once in every sixty days

SEC. 4. The board of public works shall, from time to time, make requisitions upon the commissioners of the canal fund for such sums as they shall deem necessary for the purpose of repairing and superintending the public works of the state, specifying, in every case, the names of the several works for which such requisition shall be made, and the amount required for each; and the commissioners of the fund shall appropriate such portion of gross revenues received into the state treasury from each of the public works of the state, as shall be necessary to meet such requisitions of the board of public works for repairs and superintendence of such work, and shall certify all appropriations so made to the state auditor, who shall charge the canal fund, and credit the several appropriations so made accordingly.

Duty of commissioners of canal fund upon requisition made by the board of public works.

SEC. 5. The board of public works shall also make requisitions on the commissioners of the canal fund, from time to time, for such sums as may be necessary to pay for stationery, printing, clerk hire, or the salary of the secretary, and other contingent expenses of said board, and for the contingent expenses of the acting members of said board, in the discharge of their official duties; and the commissioners of the fund shall

Other requisitions of board of public works, how and upon whom made.

appropriate such sums, to be paid out of moneys accruing from tolls, fines and water rents on the public works of the state, and from dividends on the various works in which the state has an interest, which shall be certified to the state auditor, and by him charged to the canal fund, credited to the several appropriations so made, and paid by the treasurer of state on the order of the president of the board of public works, as hereinbefore prescribed.

How certain moneys specified to be paid.

SEC. 6. All moneys accruing from tolls, fines, water rents and dividends on the public works of the state, or on works in which the state has an interest, not appropriated to the payment of repairs, superintendence, and other expenses relating to the management of the public works, as hereinbefore provided; and all moneys accruing from taxes assessed on the grand levy, in aid of the canal or interest fund, and on the profits or dividends of incorporated companies, and all other revenues appropriated, by law, to the canal fund, or to the interest fund, shall be carried, by the state auditor, to the credit of the interest fund, and shall be paid by the state treasurer, on the warrant of the auditor, to the commissioners of the canal fund, and shall be, by said commissioners, applied to the payment of interest on the public debts of the state, and for no other use or purpose.

In what manner expenses for superintendence, &c., to be defrayed.

SEC. 7. For the purpose of defraying the expense of superintendence and repairs, the Walhonding Canal and the Hocking Valley Canal shall be considered portions of the Ohio Canal, and the Miami Extension Canal shall be considered a portion of the Miami Canal, and moneys accruing on either portion of either of said canals so considered, may be appropriated to pay the expense of repairs and superintendence on any other portion of said canals respectively.

How the state treasurer shall keep record.

SEC. 8. The state treasurer shall note on his book the number of each check issued by each acting member of the board of public works, and paid by him as numbered by such commissioner, the name of the commissioner by whom the same was issued, and the year when issued, so that it may be determined what checks shall have been paid, and what remain unpaid at the end of each fiscal year; and all such checks heretofore paid, shall, on the second Monday of March next, and all such as shall thereafter be paid shall, quarterly thereafter, be delivered to the state auditor, who shall give to the treasurer a receipted schedule thereof, and carefully file and preserve the same in his office.

Duty of the treasurer and auditor of state in reference to bills redeemed.

SEC. 9. The treasurer of state shall, on the second Monday of March, June, September and November, annually, deposit, in the office of the auditor of state, all bills by him redeemed or received in payment at the treasury, and shall take the auditor's receipt upon a schedule of such bills, who shall thereupon credit the treasury with the amounts so redeemed, and the auditor shall cancel said bills and file them in his of-

fice; and all bills heretofore redeemed by the treasurer shall be delivered to the auditor, to be canceled and filed in his office.

SEC. 10. The board of public works, and each acting member thereof, by order of said board, are hereby authorized to require and take from engineers, agents and superintendents on any of the public works of the state under their charge, bonds, in such forms and amounts, and with such conditions as they shall deem proper to secure the faithful performance of their duties respectively, and for the faithful disbursement, payment and accounting for all public moneys that may come into their hands.

Bonds to be taken by board of public works from engineers and others under their charge

SEC. 11. So much of the fifth section of the act to regulate the mode of settlement of accounts between the different departments connected with the board of public works, passed March thirteenth, one thousand eight hundred and forty-four, as requires the receipts and vouchers for every check issued by each acting commissioner of the board of public works to be filed in the office of the commissioner of the canal fund, be, and the same is hereby repealed, and all of said vouchers and receipts now in said office by virtue of said provision, are hereby required to be deposited with the auditor of state, to be by him entered and filed in his office.

SEC. 12. The treasurer of state shall receive delinquent taxes, upon the certificate of the auditor of state, until the first day of May in each year, after the delinquent lists shall have been returned to the auditor of state: Provided, that the state auditor shall add to the amount of such taxes, if paid on or before the fifteenth day of March, three per cent.; if paid after the fifteenth day of March, and before the tenth day of April, or on that day, six per cent.; and if paid between the tenth day of April and the first day of May, ten per cent., which he shall include in the sum certified to the state treasurer; and that hereafter the time for making the annual settlement of the county treasurer of Hamilton county with the state treasurer, be, and the same is hereby extended to the first day of March in each and every year.

Delinquent taxes—time given for payment, &c.

SEC. 13. All such acts and parts of acts as are contradictory to the provisions of this act, and such as are superseded thereby, are hereby repealed.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

To amend the act entitled an act supplementary to the act to prevent unauthorized banking, and the circulation of unauthorized bank paper, passed January twenty-second, one thousand eight hundred and forty-six.

The former law so amended as to extend the time to the state treasurer.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the act entitled an act supplementary to the act to prevent unauthorized banking, and the circulation of unauthorized bank paper, passed January twenty-second, one thousand eight hundred and forty-six, as prohibits the state treasurer of this state from putting in circulation, or passing out any note or notes of any bank described in the fifth section of the act to which this is an amendment, be, and the same is hereby suspended until the fifteenth day of August next; and that from and after said fifteenth day of August, it shall be unlawful for the treasurer of state, the county treasurer of any county, or any collector of tolls on any of the public works of this state, either to receive, pay out, or otherwise give circulation to any note or notes of any of the banks described in the fifth section of the act aforesaid.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

For the settlement and payment of claims for work on the National Road.

The persons designated to examine.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of commissioners appointed under the act entitled "an act to appoint commissioners to examine the books, accounts and proceedings of the board of public works, and for other purposes," passed March sixth, one thousand eight hundred and forty-five, are hereby authorized and required to examine such claims for work on the National Road as shall be presented to them before the first day of July, one thousand eight hundred and forty six; and one of said commissioners, to be designated by said board, shall attend at St. Clairsville, in the county of Belmont, on Monday, the thirteenth day of April, one thousand eight hundred and forty-six; at Cambridge, in the county of Guernsey, on the following Thursday; at Zanesville, in the county of Muskingum, on the following Monday; at Columbus, in the county of Franklin, on the following Monday; and at Springfield, in the county of Clark, on the following Monday, to receive and investigate such claims; at which time and places the resident engineer of that

Places and times of meeting.

division of said road in which such places of meeting are respectively situated, shall attend and assist the commissioner in his investigations; and the commissioner making such investigations, on or before the first day of June, one thousand eight hundred and forty-six, shall make report of his investigations to the board of commissioners, at a meeting of said board at the city of Columbus, to be appointed, by said board, for that purpose; and on Monday, the fourth day of June, said board shall proceed to examine all such claims which shall be presented to them, whether the same were or were not presented to said commissioners, and shall allow all such claims as may be held by any contractor, subcontractor or laborer on said road, for labor performed, or materials furnished by himself as such contractor, subcontractor or laborer, for the repairs of said road, and all such claims as may be held by such person or persons as may have furnished materials or necessities for any contractor, subcontractor or laborer on said road, while engaged in repairing the same, where the claim is for such materials or necessities: Provided, that no such claim shall be allowed unless the commissioners shall be satisfied that the same is equitable and just; and no other claims, except those above named as being held by contractors, subcontractors or laborers, or by such as may have furnished materials or necessities as above, shall be audited and allowed by the commissioners aforesaid; and the said commissioners shall further inquire into and examine all other claims for work done or materials furnished on said road, which may be presented to them in accordance with the provisions of this section, and shall report to the auditor of state what was the original consideration of each of such claims, as nearly as can be conveniently ascertained; and where the same have been transferred, shall state, as nearly as may be, the date of each transfer and the consideration paid therefor at each several transfer.

What claimants are to be preferred.

Proviso as to the equity and justice of claims.

Report to be made to the auditor.

SEC. 2. Before any claim shall be allowed by the commissioners, as provided in the preceding section, they shall require the claimant to state, on oath, that he has not taken a transfer or retransfer thereof, for the purpose of procuring payment under the provisions of this act; and the commissioner appointed to examine claims, as prescribed by the preceding section, is hereby authorized to examine, on oath, every person presenting or professing to be the owner of any such claim, touching the original consideration and validity of such claim, the time when, the person or persons of whom purchased, and the price paid therefor; and if any such person, so presenting or professing to be the owner of any claim, shall refuse to answer, on oath, such pertinent question as shall be put to him by said commissioner under such authority, such claim shall not be allowed or reported, as presented by the preceding section, but the same shall be rejected.

Claimants required to make oath as to the character and consideration of their claims.

Power to compel attendance, &c., of witnesses.

SEC. 3. The commissioner designated to receive and investigate said claims, when employed in such service, shall have the same power to compel witnesses to attend and testify, as said board have in conducting their investigations under the act authorizing the appointment of said board, and the act amendatory thereto.

Indorsement to be made on certificates.

SEC. 4. The commissioner making such investigation shall indorse, on each certificate or claim presented, the date, and by or on whose behalf the same was presented, to which he shall sign his name as such commissioner; and when any such certificate or claim shall have been investigated and decided upon by said board, the clerk of said board shall indorse thereon such decision, together with the date thereof, and sign his name as such clerk.

A statement of certificates to be made to the auditor.

SEC. 5. Said board shall deliver a full statement of said certificates and claims, duly certified and signed by them, to the auditor of state, on or before the first day of July, one thousand eight hundred and forty-six, and the auditor of state shall, thereupon, immediately report to the board of fund commissioners a schedule of the certificates and claims allowed, which said board shall make out transferable certificates of Ohio state stock, bearing an interest of six per cent. per annum, (as Ohio state stocks are made out in other cases,) for the amount allowed by said board in each case, redeemable at the state treasury at the pleasure of the state, the interest payable from the first day of July, eighteen hundred and forty-six, and semi-annually thereafter, on the first day of January and July, at the state treasury; every such certificate of stock shall specify the act by virtue of which it was issued, the rate of interest, the times when, and place where the principal and interest are payable, and that it is issued for work done on the National Road.

Mode of payment prescribed.

Duty of fund commissioners.

SEC. 6. The fund commissioners shall report to the auditor of state the issuing of said certificates of state stock, and shall deliver such certificates to the treasurer of state, who shall make receipts therefor as in other similar cases, and the treasurer shall, upon the proper warrant of the auditor, deliver to the holders of said certificates and claims allowed, the certificates of state stock so made out as aforesaid, and account, with the auditor of state, as for other disbursements.

The net revenue from tolls to be applied to payment of the interest of stock.

SEC. 7. The net revenues arising from tolls on said road, over and above the expenses of repairing and superintending the same, and after paying the debt now due to Neil, Moore and Company, are hereby specifically pledged to the payment of said interest, the redemption of said stock, and the reimbursement to the state treasury of all payment therefrom on account of said claims; and the faith of the state is hereby pledged for the punctual payment of the interest, and the final redemption of said stock.

SEC. 8. That for the purpose of paying the claims against the National Road, it shall be the duty of the board of public works to erect, or cause to be erected, gates or half gates, at any point or points not within the corporate limits of any town, that will, in their judgment, be calculated to insure the collection of the greatest amount of tolls from said road.

Duty of board
of public works.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

March 2, 1846.

AN ACT

To provide for the paying certain debts on the public works of the State.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated, for the purposes hereinafter named, the following sums, that is to say—

For the payment of awards for damages sustained by the construction of the Miami Extension Canal, twelve thousand eight hundred and thirteen dollars fifty-one cents ;

For Miami Ex-
tension Canal.

For the payment of awards for damages sustained by the construction of the Wabash and Erie Canal, three thousand nine hundred and twenty-five dollars ;

For Wabash
and Erie.

For the payment of balances due to contractors for the construction of the Wabash and Erie Canal, any sum not exceeding twenty thousand dollars ;

Do.

For the payment of balances now due for repairs on the Ohio Canal, the Miami Canal, the Hocking Canal, the Walhonding Canal, the Miami Extension Canal, and the Muskingum Improvement, any sum not exceeding sixty thousand dollars.

Ohio Canal, &c

SEC. 2. For the purpose of raising money to pay the appropriations made by the first section of this act, the commissioners of the canal fund are hereby authorized to issue certificates of funded debt, not less, in any case, than one hundred dollars, redeemable at the pleasure of the state at any time after the first day of January, one thousand eight hundred and fifty-three, at the state treasury, bearing interest at the rate of six per cent. per annum, payable semi-annually, on the first days of May and November, at the state treasury, and transferable at the office of the state auditor, in such manner as the commissioners of the canal fund shall prescribe ; and to sell said stock in any manner which they shall deem most conducive to the interests of the state, at the best price they shall be able to obtain therefor, not less than the par value thereof, either to the

Mode by which
the money to
pay these ap-
propriations
shall be raised.

legal holders of the claims referred to in the first section of this act, in payment of such claims, or to any other person or persons, company or corporation, as they shall think best, in order to the prompt discharge of such claims; but if such commissioners shall be unable to sell said certificates of funded debt at their par value, for the purpose of raising money to pay the appropriations made by the first section of this act, any person holding any claim against the state, payable out of any such appropriation, may, at his option, receive a certificate or certificates of funded debt, at par, in payment thereof, or may receive a certificate signed by the treasurer of state, and countersigned by the auditor, stating the amount due him, and on what account, bearing interest from the date thereof, and all such certificates, so issued by the treasurer, shall be paid at the state treasury, as soon as money sufficient can be raised therefor by the sale of the certificates of funded debt authorized, by this act, to be issued, of which the treasurer of state shall give notice by publication in two newspapers of general circulation printed in Columbus.

SEC. 3. For the punctual payment of the interest, and for the redemption of the principal of all certificates of funded debt issued and sold under the authority granted by this act, the faith of the state is hereby irrevocably pledged; and all such certificates of stock shall be receivable in payment of canal, school or ministerial lands sold by authority of law; and no tax shall be levied on such certificates, or on the interest payable thereon.

SEC. 4. The commissioners of the canal fund shall have power, and it is hereby made their duty to examine into the validity of any claim or claims for money on account of construction on the Wabash and Erie Canal, and if they shall be of opinion that any such claim shall not be founded upon a contract lawfully and fairly made, or that the same is, in any other respect, fraudulent or unjust, they shall withhold payment thereon, and report the facts connected therewith, which they shall have ascertained, to the next general assembly.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

March 2, 1846.

AN ACT

Relating to the duties of County Treasurers.

County treasurers, for purposes specified, to make payment or deposit or before the

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of aiding in the payment of interest on the state debt, the several county treasurers in this state shall, on the twentieth day of December, annually,

transmit or pay over to the state treasurer, or deposit with such safe and convenient bank or banker as the treasurer of state shall designate, subject to his order, such moneys not exceeding the amount assessed on the duplicate of such county for state purposes, as he shall have collected previously to that day.

20th of December.

SEC. 2. That county treasurers shall remit quarterly, to the treasurer of state, all moneys received by them for sections sixteen and twenty-nine, as soon after the same shall be received by them as practicable, and interest shall be paid by the state for the same, from the time it is paid into the state treasury.

County treasurers to remit quarterly, certain moneys.

SEC. 3. That hereafter the time for making the annual settlement of the county treasurer of Hamilton county with the auditor of state, be, and the same is hereby extended to the first day of March in each and every year; but the treasurer of said county shall be subject to the provisions of the first section of this act.

Time of making settlement with county treasurer of Hamilton county extended.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

To amend an act to tax Bank, Insurance and Bridge Companies, passed March 12, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That every bank and banking company heretofore organized, and now doing business as a bank in this state, other than banks organized under the act to incorporate the state bank of Ohio and other banking companies, including the Ohio Life Insurance and Trust Company, shall, semi-annually, on the days prescribed for declaring dividends, and whether any such dividend be declared on such days or not, set apart to the state six per centum on the gross profits of such bank or banking company, for the six months next previous, deducting from such gross profits ascertained losses and necessary expenses for said six months, and the cashier shall forthwith notify the auditor of state of the amount so set apart, and pay the same, on his order, to the treasurer of state.

All banks, except those specified, required semi-annually to set apart, after certain deductions, six per cent. of gross profits for the use of the state.

SEC. 2. The provisions of the foregoing section shall not apply to any bank whose charter prescribes the amount or rate of tax to be paid by such bank, unless the right shall have been therein reserved to the legislature to amend its act of incorporation in reference to the amount of tax to be levied, or the right to impose such tax as may be imposed upon other banks of this state.

The provisions of first section not applicable to banks where the charter provides the amount of tax to be paid.

Provision in reference to insurance companies.

SEC. 3. Every insurance company incorporated by the general assembly of this state, shall, at the times prescribed for declaring dividends, if any such times shall have been prescribed, and if not, on the first Monday of January, annually, set apart, for the state, six per centum upon the gross profits made by such company since the last previous time of setting apart to the state such tax, deducting from such profits necessary expenses and ascertained losses paid or to be paid out of such profits, and the secretary, or other principal accounting officer of such company, shall immediately notify the state auditor of the amount so set apart, and shall pay the same to the state treasurer on his order.

Sums set apart in lieu of taxes.

SEC. 4. The sums set apart by banks and insurance companies shall be in lieu of taxes charged on such banks and insurance companies, and shall be credited, when received into the state treasury, by the auditor and treasurer of state, to the interest fund.

SEC. 5. All such provisions of former laws as are contrary to, or are superseded by the provisions of this act, are hereby repealed.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

To repeal the third section of an act passed March twelve, one thousand eight hundred and forty-four, to amend the act entitled an act pointing out the mode of levying taxes, passed March fourteen, eighteen hundred and thirty-one,

Repealing act.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the third section of the act passed the twelfth of March, one thousand eight hundred and forty-four, further to amend the act entitled an act pointing out the mode of levying taxes, passed March fourteen, one thousand eight hundred and thirty-one, shall be, and the same is hereby repealed.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

To prescribe the duties of the Board of Public Works, the Canal Fund Commissioners, the Auditor and Treasurer of State, in regard to the receipt and disbursement of the canal fund, and the receipt of delinquent taxes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all moneys accruing from tolls, fines and water rents on the public works belonging to the state, from dividends on the stocks of the state in railroad, turnpike, canal and slackwater navigation companies, and from taxes levied in aid of the canal fund, shall be paid to the state treasurer, on the certificate of the state auditor, and shall be credited, on the books of said officers, to the canal fund.

To whom and how the moneys arising from tolls to be paid.

SEC. 2. The state auditor shall keep a separate account of the moneys received into the treasury from each of the public works of the state, and from each in which the state has an interest, and also a separate account of the proceeds of taxes assessed on the grand levy, in aid of the canal fund, and of the amount received from the several other sources of revenue appropriated, by law, to the canal fund, or to the interest fund, and state the amount received from each of such sources, to the general assembly, in his annual report.

How the auditor of state to keep accounts.

SEC. 3. All moneys in the state treasury belonging to the canal fund shall be reported once in every sixty days to the commissioners of said fund, by the auditor of state, and shall be subject to the order of said commissioners, and shall be paid out of the treasury or appropriations made by them, in such manner, and under such rules and regulations as they shall, from time to time, prescribe.

Report to be made once in every sixty days

SEC. 4. The board of public works shall, from time to time, make requisitions upon the commissioners of the canal fund for such sums as they shall deem necessary for the purpose of repairing and superintending the public works of the state, specifying, in every case, the names of the several works for which such requisition shall be made, and the amount required for each; and the commissioners of the fund shall appropriate such portion of gross revenues received into the state treasury from each of the public works of the state, as shall be necessary to meet such requisitions of the board of public works for repairs and superintendence of such work, and shall certify all appropriations so made to the state auditor, who shall charge the canal fund, and credit the several appropriations so made accordingly.

Duty of commissioners of canal fund upon requisition made by the board of public works.

SEC. 5. The board of public works shall also make requisitions on the commissioners of the canal fund, from time to time, for such sums as may be necessary to pay for stationery, printing, clerk hire, or the salary of the secretary, and other contingent expenses of said board, and for the contingent expenses of the acting members of said board, in the discharge of their official duties; and the commissioners of the fund shall

Other requisitions of board of public works, how and upon whom made.

appropriate such sums, to be paid out of moneys accruing from tolls, fines and water rents on the public works of the state, and from dividends on the various works in which the state has an interest, which shall be certified to the state auditor, and by him charged to the canal fund, credited to the several appropriations so made, and paid by the treasurer of state on the order of the president of the board of public works, as hereinbefore prescribed.

How certain moneys specified to be paid.

SEC. 6. All moneys accruing from tolls, fines, water rents and dividends on the public works of the state, or on works in which the state has an interest, not appropriated to the payment of repairs, superintendence, and other expenses relating to the management of the public works, as hereinbefore provided; and all moneys accruing from taxes assessed on the grand levy, in aid of the canal or interest fund, and on the profits or dividends of incorporated companies, and all other revenues appropriated, by law, to the canal fund, or to the interest fund, shall be carried, by the state auditor, to the credit of the interest fund, and shall be paid by the state treasurer, on the warrant of the auditor, to the commissioners of the canal fund, and shall be, by said commissioners, applied to the payment of interest on the public debts of the state, and for no other use or purpose.

In what manner expenses for superintendence, &c., to be defrayed.

SEC. 7. For the purpose of defraying the expense of superintendence and repairs, the Walhonding Canal and the Hocking Valley Canal shall be considered portions of the Ohio Canal, and the Miami Extension Canal shall be considered a portion of the Miami Canal, and moneys accruing on either portion of either of said canals so considered, may be appropriated to pay the expense of repairs and superintendence on any other portion of said canals respectively.

How the state treasurer shall keep record.

SEC. 8. The state treasurer shall note on his book the number of each check issued by each acting member of the board of public works, and paid by him as numbered by such commissioner, the name of the commissioner by whom the same was issued, and the year when issued, so that it may be determined what checks shall have been paid, and what remain unpaid at the end of each fiscal year; and all such checks heretofore paid, shall, on the second Monday of March next, and all such as shall thereafter be paid shall, quarterly thereafter, be delivered to the state auditor, who shall give to the treasurer a receipted schedule thereof, and carefully file and preserve the same in his office.

Duty of the treasurer and auditor of state in reference to bills redeemed.

SEC. 9. The treasurer of state shall, on the second Monday of March, June, September and November, annually, deposit, in the office of the auditor of state, all bills by him redeemed or received in payment at the treasury, and shall take the auditor's receipt upon a schedule of such bills, who shall thereupon credit the treasury with the amounts so redeemed, and the auditor shall cancel said bills and file them in his of-

fice ; and all bills heretofore redeemed by the treasurer shall be delivered to the auditor, to be canceled and filed in his office.

SEC. 10. The board of public works, and each acting member thereof, by order of said board, are hereby authorized to require and take from engineers, agents and superintendents on any of the public works of the state under their charge, bonds, in such forms and amounts, and with such conditions as they shall deem proper to secure the faithful performance of their duties respectively, and for the faithful disbursement, payment and accounting for all public moneys that may come into their hands.

Bonds to be taken by board of public works from engineers and others under their charge

SEC. 11. So much of the fifth section of the act to regulate the mode of settlement of accounts between the different departments connected with the board of public works, passed March thirteenth, one thousand eight hundred and forty-four, as requires the receipts and vouchers for every check issued by each acting commissioner of the board of public works to be filed in the office of the commissioner of the canal fund, be, and the same is hereby repealed, and all of said vouchers and receipts now in said office by virtue of said provision, are hereby required to be deposited with the auditor of state, to be by him entered and filed in his office.

SEC. 12. The treasurer of state shall receive delinquent taxes, upon the certificate of the auditor of state, until the first day of May in each year, after the delinquent lists shall have been returned to the auditor of state : Provided, that the state auditor shall add to the amount of such taxes, if paid on or before the fifteenth day of March, three per cent. ; if paid after the fifteenth day of March, and before the tenth day of April, or on that day, six per cent. ; and if paid between the tenth day of April and the first day of May, ten per cent., which he shall include in the sum certified to the state treasurer ; and that hereafter the time for making the annual settlement of the county treasurer of Hamilton county with the state treasurer, be, and the same is hereby extended to the first day of March in each and every year.

Delinquent taxes—time given for payment, &c.

SEC. 13. All such acts and parts of acts as are contradictory to the provisions of this act, and such as are superseded thereby, are hereby repealed.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

Providing compensation for certain State officers.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several officers hereinafter mentioned shall be entitled to receive, for their services, respectively, the following sums, annually, that is to say: The governor, twelve hundred dollars; the treasurer of state, one thousand dollars; the auditor of state, twelve hundred dollars; the secretary of state and superintendent of common schools, nine hundred dollars; the superintendent of the Lunatic Asylum, twelve hundred dollars; the assistant physician, six hundred dollars: the directors of the Lunatic Asylum are hereby authorized to employ another assistant physician, when, in their opinion, the wants of the institution shall imperiously require it, and when such appointment shall be made, the assistant physicians shall be denominated senior assistant physician and junior assistant physician; the senior assistant physician shall receive six hundred dollars annually; and the junior assistant physician five hundred dollars annually: Provided, however, that no physician shall be denominated a senior assistant physician, or receive the salary of six hundred dollars, who has not been in the service of the institution at least one year. The steward shall receive an annual salary of six hundred dollars; the clerk of the secretary of state, not exceeding two hundred dollars in addition to the present salary; the clerks in the auditor of state's office, not exceeding two hundred dollars in addition to the present salary allowed to them by law; the clerk in the treasurer's office, six hundred dollars, and for an additional clerk in the treasurer's office, five hundred dollars; the secretary to the fund commissioners, five hundred dollars; the physician of the Penitentiary shall receive three hundred and sixty-five dollars per annum, and no more; resident engineers on the public works, not exceeding seven in number, and not including the engineers on the National Road, eight hundred dollars each, which shall include traveling and incidental expenses.

SEC. 2. All laws inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect from its passage.

ELIAS F. DRAKE,

Speaker of the House of Representatives.

SEABURY FORD,

Speaker of the Senate.

March 2, 1846.

Salary of Governor.

—Treasurer.

—Auditor.

—Secretary.

—Superintendent of Lunatic Asylum.

—Assistant physicians.

—Steward of Lunatic Asylum.

—Clerk of secretary of State.

—Clerks of auditor of state.

—Clerks of treasurer.

—Secretary of fund commissioners.

—Resident engineers on the public works.

AN ACT

To tax money brokers.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That every person, company or association who shall be engaged in the business of buying, selling or exchanging money, whether in connection with the purchase and sale of bills of exchange, or otherwise, with a view to profit or gain, shall be held to be a money broker within the meaning of this act, and shall obtain a license for such business in each county in which such business, or any part thereof, shall be carried on, in the manner hereinafter prescribed.

Who are money brokers.

SEC. 2. Every money broker who shall be engaged in such business previously to the first day of April next, and who shall design to continue such business after that day, and every person, company or association who shall design to engage in business as a money broker after that day, shall, before so engaging or continuing in such business after that day, and annually thereafter, so long as such business shall be continued in any county of this state, file with the auditor of such county an application for license to carry on business as a money broker in such county, setting forth therein the greatest amount of money, bills of exchange, or other funds, whether the property of such money broker, or of any other person, company or corporation, which such broker expects to have on hand, pertaining to such business, during the year next ensuing; and he shall make oath, which oath the auditor is authorized and required to administer, that the amount so set forth is the greatest amount of such money, bills of exchange and other funds which, as he verily believes, will be employed, during the year next ensuing, in such business, and he shall pay to the treasurer of such county one per centum on the amount so set forth, and, also, he shall pay to the treasurer of the proper county, when the amount which he shall swear he believes he shall so employ will be ten thousand dollars, or less, sixty dollars; if above ten thousand, and not more than twenty thousand dollars, one hundred and twenty dollars; if above twenty thousand, and not more than thirty thousand dollars, one hundred and eighty dollars; if above thirty thousand, and not more than forty thousand dollars, two hundred and forty dollars; if above forty thousand, and not more than fifty thousand dollars, three hundred dollars; if above fifty thousand dollars, six dollars on every thousand dollars above the sum last mentioned, in addition to the amount above prescribed for that sum; and he shall take the treasurer's receipt for the money so paid, which he shall deposit with the county auditor, who shall charge the county treasurer, and credit the state treasury therewith, and shall issue to the person making such payment a license to carry on business as a money broker, in such county, for the term of one year from the date of such payment.

Application for license, how made, and amount to be paid.

Penalty for engaging in the business of broking without license.

SEC. 3. Every person, whether a resident of this state or not, who, after the first day of April next, for himself, or for any other person, company or association, shall, within any county in this state, without having obtained a license therefor in such county, as prescribed in the second section of this act, either buy, sell, or receive in payment, or exchange money of any kind or description, or bills of exchange, for bills of exchange, or for money of any other kind or description, with a view to gain or profit, either by the purchase, sale or exchange made in such county alone, or in connection with any other purchase, sale or exchange, either for money or for bills of exchange made or to be made in such county or elsewhere, of the money so bought, sold or exchanged, whether any premium shall have been obtained on the purchase, sale or exchange so made in such county or not, and whether the money so sold or exchanged shall have been purchased or obtained, by exchange, for either money or for bills of exchange in such county, or at any other place either in or out of this state, shall be held and adjudged to have committed an offence against the provisions of this act, and, for every such offence, shall forfeit and pay the sum of one hundred dollars, and, also, one per cent. on the whole amount of money so bought, sold or exchanged in such county. Any money broker that shall, at any time during which he shall have obtained license to transact business as a money broker in any county, employ a greater amount of money, bills of exchange, or other funds in such business, than the amount set forth in his application and affidavit, at the time of obtaining license, he shall forfeit and pay, for every time he shall employ such excess, one per centum on the excess over the sum so set forth, to be recovered and applied as other penalties imposed by this act.

Demand may be made for an exhibition of license.

SEC. 4. Any person who shall in any way come to the knowledge of any purchase, sale or exchange of money described in the third section of this act, may demand of the person making such purchase, sale or exchange, to exhibit his license for so doing, and unless the person of whom such demand shall have been made shall forthwith exhibit such license, he shall be deemed to have had no such license at the time of making such purchase, sale or exchange.

Duty of clerk of common pleas.

SEC. 5. The clerk of the court of common pleas of any county shall, on the application of the prosecuting attorney, setting forth that, as he verily believes, any person, not a resident of such county, naming such person, has committed an offence against the provisions of the third section of this act, or on a similar application by any citizen of such county, accompanied by an affidavit of any credible person, setting forth such facts, forthwith issue a capias, in an action of debt for the penalty named in said third section, in the name of the state, and such proceedings shall be had thereon as in other actions commenced by capias.

SEC. 6. Upon the trial of any cause commenced for the recovery of any penalty or forfeiture imposed by this act, it shall be competent for the party prosecuting to prove that the defendant, or the person for whom the defendant was acting in any purchase, sale or exchange of money, is reputed to be a money broker or dealer in money; and proof of such reputation shall be held and adjudged to be proof that the purchase, sale or exchange of money in such county in which such cause shall have been instituted, was made with a view to gain or profit; and that the person by whom the same shall have been made, is a money broker within the meaning of this act; but such proof shall not be held to be conclusive.

What proof necessary.

SEC. 7. On the complaint of the prosecuting attorney of any county to any justice of the peace of such county, or on the application of any citizen thereof, accompanied by the affidavit of any credible person, setting forth that he verily believes any person, naming such person, has, as agent for any money broker, bought, sold or exchanged money in such county, with a view to profit, or is engaged in so doing, such justice of the peace shall forthwith summon the person against whom such complaint shall have been made, to appear before him and state, on oath, the name and place of residence or location of the money broker on whose account, or for whose benefit such purchase, sale or exchange shall have been made; the amount of money so bought, sold or exchanged; and all other material facts touching such transaction; and if the facts so disclosed shall warrant the belief that any such purchase, sale or exchange of money in such county shall have been made for or on behalf of any money broker, who shall not, at the time of such transaction, have had a license, as a money broker, from the county auditor of such county, as required by this act, it shall be lawful for the prosecuting attorney, or for any other citizen of such county, on the presentation to the clerk of the court of common pleas of a certificate of a justice of the peace before whom such examination was had, setting forth the substance of the testimony of such agent, to sue out a writ of attachment, at the suit of the state of Ohio, against the goods, chattels, rights, credits, moneys and effects of such broker, as in case of absent or absconding debtors; and to cause such agent to answer, as garnishee, for all the goods, chattels, rights, credits, moneys and effects in his possession, or within his knowledge, belonging to such money broker; and such further proceedings shall be had, in every such cause, as in cases of attachment against absent or absconding debtors.

Duty of justices of the peace in cases specified.

SEC. 8. It is hereby made the especial duty of the prosecuting attorneys of the several counties of this state forthwith to prosecute all offences committed against the provisions of this act, or of the act to which this is an amendment, that shall come to their knowledge, unless prosecution shall have been previously commenced by some other person.

Duty of prosecuting attorneys.

How moneys
collected to be
paid.

SEC. 9. * All moneys collected for penalties incurred under the provisions of this act, shall be paid over, by the officer collecting the same, to the county treasurer, who shall receipt therefor, and such receipts shall be filed with the county auditor, who shall charge the county treasurer, and credit the state therewith, and shall issue his receipt to such officer as his voucher for the payment of the money.

County auditors
to report.

SEC. 10. Each county auditor shall, semi-annually, on the first Mondays of May and November, report to the auditor of state a correct statement of all moneys paid to the county treasurer of his county, under the provisions of this act, and each county treasurer shall pay to the state treasurer, on the order of the auditor of state, all moneys so received by him; and all such moneys shall be appropriated for the payment of interest on the funded debt of the state.

Act limited.

SEC. 11. The provisions of this act shall not be construed to extend to any person, company or association that shall not make the buying, selling or exchanging of money a part, at least, of his customary or usual business; and the words "money" and "moneys," whenever used in this act, shall be held to mean and include bank notes, as well as gold and silver coin.

Who may not
license.

SEC. 12. No money broker, or dealer in money, shall hereafter be licensed by authority of, or for the benefit of any city, borough, village or town in this state, any law to the contrary notwithstanding; and the act to tax money brokers, passed March twelfth, one thousand eight hundred and forty-five, is hereby repealed; and no money broker shall be required to list for taxation any capital employed exclusively in the buying, selling, or exchanging money, or bills of exchange of one kind or description for money or bills of exchange of any other kind or description.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

Making appropriations for the year one thousand eight hundred and forty-six.

Members of
Senate, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums be, and they are hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid for the year one thousand eight hundred and forty-six, viz: For the payment of the members of the general assembly, their clerks, assistant clerks, sergeants-

at-arms, doorkeepers and messengers, a sum not exceeding twenty thousand dollars; for paying the salaries of the governor, auditor, treasurer and secretary of state, the attorney general, librarian, superintendent of the Lunatic Asylum, and chief clerks in the auditor's office, the sum of eight thousand dollars; for payment of the salaries of the judges of the supreme court, president judges of the court of common pleas, and the judges of the superior court of Cincinnati, and the reporter of the decisions of the supreme court in bank, the sum of twenty-six thousand dollars; for the payment of the state printing, the sum of twelve thousand dollars; for the payment of the salaries of the board of public works, three thousand dollars; for contingent fund of the governor, a sum not exceeding three thousand dollars, out of which he shall be authorized to pay not exceeding three hundred dollars to his private secretary in addition to the sum now allowed by law; for contingent fund of the auditor of state, the sum of five thousand dollars, out of which he shall pay for new entries; for contingent fund of the treasurer of state, the sum of fifteen hundred dollars; for taxes refunded by the state, a sum not exceeding twelve hundred dollars; for the Lunatic Asylum, including the sum of thirteen thousand dollars for the completion and furnishing the building in progress, a sum not exceeding thirty-three thousand dollars; for salary of superintendent and six teachers of the Asylum for the Blind, four thousand two hundred dollars; for the salary of the steward of the Asylum for the Blind, five hundred dollars; for household expenses, boarding pupils, and for six servants for the Asylum of the Blind, three thousand dollars; for the contingent expenses, stationery and fuel for the Asylum for the Blind, five hundred dollars; for stationery for the state, a sum not exceeding eight thousand dollars; for the payment of postage of the members and officers of the general assembly, a sum not exceeding two thousand five hundred dollars; for the purchase of wood for the next general assembly, and the public offices, a sum not exceeding five hundred dollars; for the State Library, a sum not exceeding six hundred dollars, and one hundred dollars for the librarian, in addition to the sum now allowed by law, as compensation for his increased services; for the distribution of the laws and journals, one thousand dollars; for payment of treasurer's mileage, a sum not exceeding five hundred dollars; for payment of costs and expenses of transporting convicts to the Penitentiary, fifteen thousand dollars in addition to the balance charged to the Penitentiary account on the fifteenth of November, one thousand eight hundred and forty-five; for the payment of the salaries of the acting fund commissioner and the secretary of the board of fund commissioners, a sum not exceeding twelve hundred dollars; for salary of warden of the Penitentiary, eight hundred dollars; for salary of directors to the Penitentiary, three hundred dollars; for salary of the physician to the Penitentiary, three hundred dol-

State officers.

Judges.

Board of public works.
Contingent fund of state officers.

For refunded taxes.

Lunatic asylum

Asylum for the blind.

Stationery for state.
Postage of members of legislature.

Wood.

State library.

Distribution of laws and journals.
Treasurer's mileage.
For transporting convicts to the penitentiaryActing fund commissioner and secretary.
Penitentiary officers.

Superintendent
of common
schools.
Board of com-
missioners on
public works.

Engineers on
national road.

Deaf and dumb
asylum.

Sundry claims.

lars; for salary of the superintendent of common schools, four hundred dollars; for the per diem mileage and expenses of the members, and the per diem and traveling expenses of the clerk of the board of commissioners to examine the books, accounts and proceedings, &c., of the board of public works, three thousand dollars; for the payment of the engineers on the National Road, to be paid from the tolls collected thereon, one thousand four hundred dollars; for the salaries of the superintendent and six teachers of the Deaf and Dumb Asylum, four thousand and five hundred dollars; to pay balances due for the erection of the south wing of said building, to finish and furnish the same, including the expense of a furnace for said asylum, a sum not exceeding four thousand dollars, from which shall be deducted the amount already paid to the directors on account of auction duties received for the year one thousand eight hundred and forty-five; for the salary of the steward of the Deaf and Dumb Asylum, five hundred dollars; for the household expenses of pupils, and not more than six servants of the Deaf and Dumb Asylum, four thousand dollars; for contingent expenses, stationery and fuel, five hundred dollars; for claims, viz: to I. J. Godman, sixty-four dollars; to E. Cloud, twenty-two dollars; to Chester Johnston, twenty-eight dollars; to Mathew King, thirteen dollars and thirty-three cents; to B. Large, seventy-five cents; to S. Buck, two dollars; to Broderick and Downs, six dollars thirty cents; to Gills and McCune, forty-four dollars and fifty-four cents; to J. H. Riley, six dollars and twenty-five cents; to Ellis, Sessions and Company, one dollar and fifty cents; to C. W. Kent and Son, ten dollars and fifty cents; to Gere, Abbott and Company, five dollars and eighty-three cents; to Sumner Clark, twenty-eight dollars and eighty-one cents; to Henry Mack, eighty-five dollars and seventy-seven cents; to Hayden and Morison, three hundred and sixty-seven dollars eight cents; to Stewart and Higgins, eleven dollars forty cents; to W. A. Platt and Company, twelve dollars eighty cents; to J. C. Protsman, twenty-nine dollars thirty-eight cents; to William Large, fifty-five dollars three cents; to Daniel Barnhart, four dollars eighty-eight cents; to L. Humphrey, thirty-eight dollars and thirty-three cents; to B. F. Stickney, three hundred dollars; to Zachariah Mills, two hundred dollars; to A. Backus, for work done in one thousand eight hundred and thirty-nine for public offices, four dollars and fifty cents; to payment of expenses of such of the directors of the Ohio Penitentiary as reside out of the city of Columbus, in superintending the construction of the Penitentiary Railroad, any sum not exceeding one hundred and fifty dollars; one thousand dollars for the cleaning, distribution and storage of the public arms, and for the expenses of office rent and stationery for the quartermaster and adjutant generals, no part of which shall be paid for expenses incurred by the present incumbent of the office of quartermaster general; to R. Ellis and Company, the

sum of fifty-two dollars; to R. S. Looker, the sum of eighteen dollars and forty-four cents; to Luther Donaldson, six dollars and eighty cents; to Whiting and Huntington, thirty-six dollars eighty-six cents; to J. Westwater and Son, six dollars thirty-seven cents; to pay such sums as shall be allowed under the resolution for the relief of Benjamin F. Stickney, any sum not exceeding five thousand five hundred dollars; to John Graham, one hundred and fifty-three dollars and sixty-five cents.

SEC. 2. The appropriations hereby made are in addition to the unexpended balances of former appropriations.

SEC. 3. There shall be assessed, for the year one thousand eight hundred and forty-six, upon the grand levy of the state, in the manner prescribed by the act for levying taxes on all the property of the state according to its true value, for the general revenue, two hundred thousand dollars; and for the support of common schools, seventy thousand dollars.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

Ordered, by Resolution of the General Assembly, to be republished with the General Laws of this Session.

AN ACT

Providing for the appointment of Commissioners of Sewers in certain counties in this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the courts of common pleas in the respective counties of Allen, Ashtabula, Athens, Carroll, Crawford, Marion, Delaware, Coshocton, Cuyahoga, Champaign, Geauga, Gallia, Henry, Hardin, Huron, Hancock, Holmes, Lucas, Lawrence, Lake, Licking, Madison, Meigs, Medina, Mercer, Ottawa, Paulding, Putnam, Seneca, Sandusky, Summit, Stark, Trumbull, Tuscarawas, Washington, Williams, Wood, Vanwert, Lorain, Darke, and Portage, are hereby authorized and empowered, upon application to them made, by the major part of the proprietors of meadows, marshy and low lands, or grounds which are injured by the overflowing of waters, and of swampy land which may be rendered valuable by draining the same, to grant a commission of sewers to such, and so many able and discreet persons as they shall judge expedient, for clearing and removing the banks and obstructions of the passages of the water in rivers, brooks, streams or ponds, which

The courts of common pleas authorized to appoint commissioners of sewers.

Duties and powers of commissioners.

How expenses to be collected and paid.

What to be done if any proprietor refuses to pay his proportion of taxes.

How damages to be estimated and defrayed.

Commissioners to be sworn, and render their account to court, to which aggrieved persons may appeal.

occasion the overflowing and drowning of meadows, swamps and low lands; and also for the draining of swamps, and other unprofitable lands; and also for daming, to prevent the water from overflowing marshy and flat lands; which commission shall be signed by the clerk of the court granting the same, and to which he shall also affix the seal of said court; and the commissioners shall have power to do the service aforesaid, and shall also have power to enter upon any adjoining lands in the most convenient place or places, to open drains through such adjacent lands, to the nearest and most convenient water course or water courses, for the purpose of carrying off the water from such meadows, swamps, marshy, low or flat lands; and, for the purposes aforesaid, may employ workmen and laborers in a reasonable manner, and may assess the proprietors of such lands, to defray the charges, according to their quantity of land, and the benefits they receive, in such proportion as they shall judge to be equal and just; and to appoint and swear a collector or collectors, to collect such assessments, and pay the same to such persons as they shall appoint to receive it; which collectors shall have the same power as collectors of state taxes, and shall be accountable to the commissioners appointing them. And if any proprietor of such lands shall be unable, or shall neglect to pay his proportion of such assessment, it shall be lawful for the proprietors concerned therein to pay the same, and to hold such lands of the persons so neglecting or refusing, until the profits of such lands shall be sufficient to reimburse them, according to the judgment of the commissioners; and if, by reason of such lands of such delinquent proprietor being wild lands, or for any other cause, the said proprietors shall not pay the proportion of said delinquent proprietor, and the same shall remain uncollected and unpaid for ninety days after such assessment shall have been made, it shall be the duty of said commissioners to return the same to the auditor of the proper county, who shall charge the same to the said lands of such delinquent, upon the delinquent list, and collect the same, for the use of the proprietors aforesaid, as the taxes of the state are collected.

SEC. 2. That it shall be the duty of the said commissioners to assess to owners of adjacent lands, through which any drain may be opened, for the purpose of carrying off the water, as is provided in the first section, all such damages as they may sustain thereby, taking into consideration, also, any benefit the same may be to them, if any; which said damages shall be defrayed in the same manner, and as part of the charges mentioned in said first section.

SEC. 3. That the commissioners shall be sworn to a faithful discharge of their trust, and shall receive such compensation for their services as the court appointing them shall allow, and they shall render their account to such court when required. And if any person shall be aggrieved by the proceedings of such commissioners, he or she may appeal or complain

to such court of common pleas, who shall grant such relief as the nature of the case may require.

SEC. 4. When any petition shall be brought in pursuance of this act, notice thereof, in writing, shall be given to all the proprietors named in the petition, who have not subscribed the same, at least twelve days previous to the sitting of the court, to which the same shall be brought, by reading the same in their hearing, or by leaving a true and attested copy thereof at their usual place of abode; which notice shall be signed by a justice of the peace, and directed to the sheriff of the county, or either of the constables of the township where such land is situated; and said petition shall be heard at that term of the court to which it is made returnable, unless continued for good cause: Provided, that if any of the proprietors reside out of the state, publication in a newspaper, according to the provisions of law, in chancery causes, shall be legal notice to such nonresident.

Process on petitions.

SEC. 5. That after the commissioners shall have damed, drained or ditched such meadows, swamps, marshy, low or flat lands, the proprietors thereof shall have power to keep the dams, drains and ditches in repair; and, for that purpose, when any three of such proprietors shall judge it necessary, they may apply to a justice of the peace, who shall issue a precept, directed to some meet person, to warn such proprietors to meet at such time and place, and for such business as shall be therein declared, which shall be served by reading it in the hearing of all the proprietors living in the state, or by leaving an attested copy thereof at their respective places of abode, at least three days before such meeting.

Duties and powers of proprietors of lands.

SEC. 6. The proprietors, in a meeting so warned, shall have power, by a majority vote, to be computed according to their interest in such lands, to appoint a clerk, who shall be sworn to make true entries of all the votes and proceedings in such meetings, and, also, to appoint a committee, consisting of two or three men, who may state and set out to each proprietor his part or proportion of such dam, drain or ditch, to be computed according to his interest in the land, and who shall make a report of their doings, in writing, under their hands, to the clerk, who shall enter the same on record. And it shall be the duty of each proprietor, his heirs and assigns, forever after, to clear, keep open and repair his part of such dams, drains and ditches, set out to him as aforesaid: Provided, that the proprietors may, at any subsequent time, cause a new stating and apportionment of the same, in the manner aforesaid, if they judge it to be expedient.

How each proprietor's proportion of labor assigned.

SEC. 7. That the more effectually to compel the proprietors to keep in repair such dams, drains and ditches, such proprietors shall have power, at a meeting, warned as aforesaid, once in two years, to appoint agents among themselves, who shall take an oath faithfully to perform their duties; and if any per-

Agents appointed, length of time, &c.

son, lawfully appointed an agent, shall neglect or refuse to take such oath, being required thereto by a citation from a justice of the peace, he shall forfeit four dollars to the use of such proprietors, to be recovered by action on this statute; and such proprietors may appoint other persons to be agents, in the room of those who have refused as aforesaid.

Duty of agents,
&c.

SEC. 8. That it shall be the duty of the agents, from time to time, diligently to inspect the dams, drains and ditches, and see that they are kept open, and in good repair; and if, at any time, they find them, or any part of them, filled, or out of repair, they shall give immediate warning to the proprietor whose part is deficient, that he forthwith repair the same; and if any proprietor shall not, within five days after such warning given, clear and repair the same sufficiently, in the judgment of the agents, they are hereby empowered forthwith to cause the same to be sufficiently repaired; and such proprietor shall pay the expense and costs to the agents. And in case he neglects and refuses, for the space of ten days after an account of such expense has been presented to him, and payment demanded, to pay the same, the agent shall have right to recover the same by action on this statute: Provided, that if any proprietor considers himself aggrieved by the expense charged by the agents, he may, at his own cost, within ten days, make application to the trustees of the township where the land lies, not parties to the controversy, who shall estimate and appraise anew such expense of repairing, and the party deficient shall pay the expense according to their appraisement, to be recovered as aforesaid.

Additional power
of proprietors

SEC. 9. That the proprietors of such lands, when they judge it will be for their advantage, may, in a lawful meeting, by a major vote, to be computed according to their interest, agree that such drains and ditches shall be cleared, and such dams repaired by the commissioners of sewers; and in such cases they shall have power to employ persons to do the same, and to assess the proprietors therefor, and collect the same, in the same manner as they are by this act enabled to do in the first making of dams, ditches and drains.

Agents or commissioners may
remove obstructions.

SEC. 10. If any person or persons, without liberty from the proprietors, shall set any fence, hedge or other incumbrance on the bank of such drain or dam, so as to make the clearing or repairing of them more difficult, it shall be lawful for the agents or commissioners to remove the same as a common nuisance.

Penalty for injuring dams,
ditches, &c.

SEC. 11. If any person shall wilfully and maliciously break down such dam, or the bank of such drain or ditch, or fill up, or incumber such drain or ditch, or otherwise injure such dam, bank, drain or ditch, he shall forfeit and pay, for the use of such proprietors, any sum not less than five, nor more than fifty dollars.

Mode of action,
&c.

SEC. 12. That all actions brought on this statute shall be in debt, in the names of the agents, before any court having jurisdiction of the amount in demand; and in all actions against

any person for anything done in pursuance of this act, it shall be lawful for the defendant to plead the general issue, and give the special matter in justification thereunder.

SEABURY FORD,
Speaker of the House of Representatives.
 WILLIAM M'LAUGHLIN,
Speaker of the Senate.

March 26, 1841.

AN ACT

Prescribing the times of holding the Court of Common Pleas in the county of Ashland, in the Eleventh Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the courts of common pleas shall hereafter be held, in the county of Ashland, in the eleventh judicial circuit, on the seventh day of May, and on the seventeenth day of August. Eleventh Judicial Circuit.

SEC. 2. The second, third and fourth sections of an act passed during the present session of the general assembly, prescribing the times of holding the court of common pleas in the seventh judicial circuit, shall be deemed and taken as parts of this act.

SEC. 3. This act shall take effect from and after its passage.

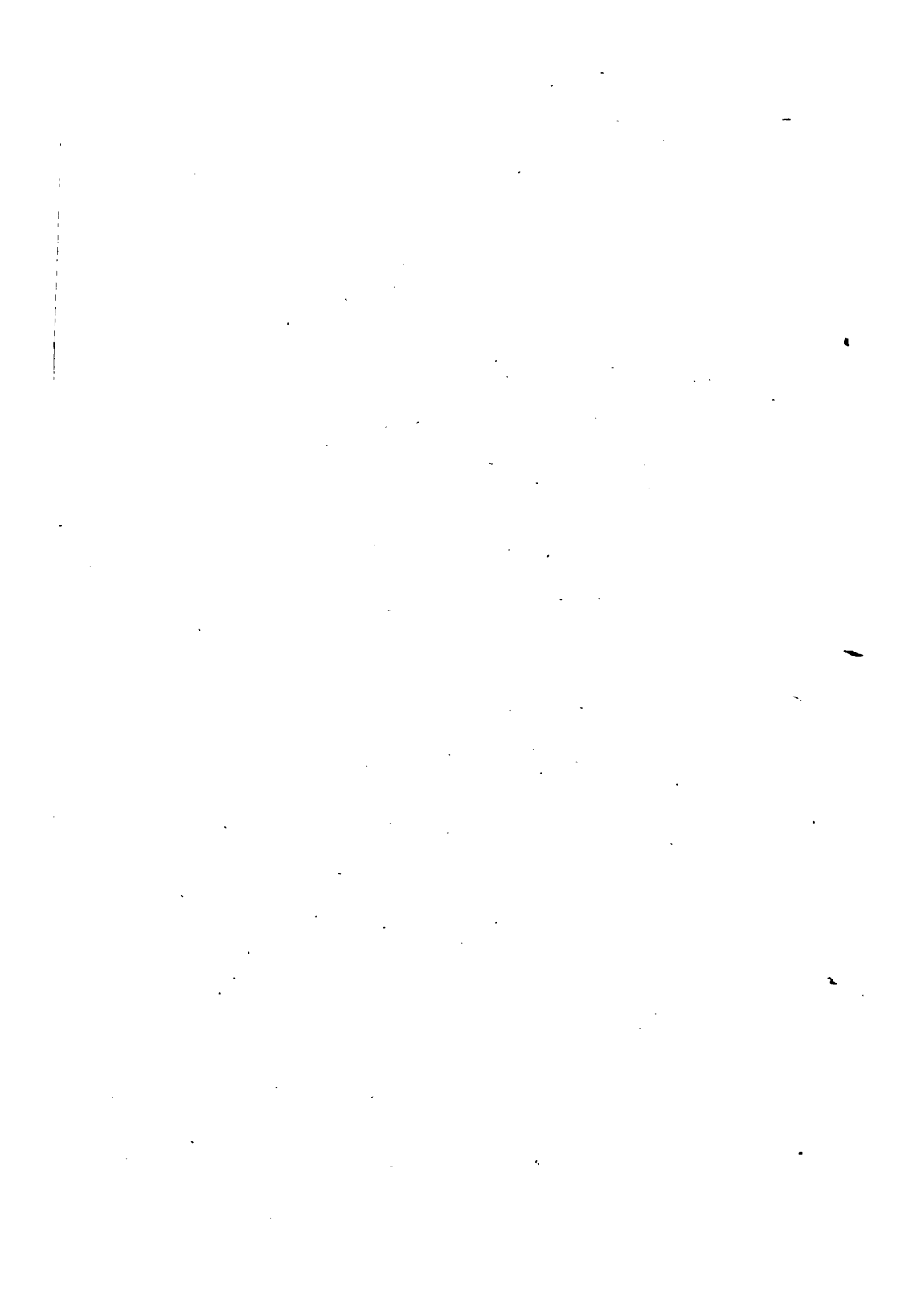
ELIAS F. DRAKE,
Speaker of the House of Representatives.
 SEABURY FORD,
Speaker of the Senate.

February 28, 1846.

SECRETARY OF STATE'S OFFICE,
 Columbus, Ohio, April 21, 1846.

I hereby certify that the foregoing acts are true copies of the original, on file in this office.

SAM'L GALLOWAY,
Secretary of State.



INDEX TO GENERAL LAWS.

ATTORNEYS.

	Page.
To amend the act to regulate the admission and practice of attorneys and counsellors at law-----	7
To create the office of attorney-general, and to prescribe his duties---	45

ASSESSOR.

To amend the act entitled an act to create the office of township assessor, passed March 20, 1841-----	9
--	---

APPROPRIATION.

Making an appropriation for purposes therein named-----	15
Making appropriations for the year 1846-----	180

ACTIONS.

To amend the law for the limitation of-----	78
---	----

ASYLUMS.

To amend an act to provide for the government of the Ohio Lunatic Asylum -----	67
To amend certain acts in relation to the asylum for the Deaf and Dumb, and for the Blind-----	111

ARMS.

In relation to the public arms, and for other purposes-----	63
---	----

AGRICULTURE.

For the encouragement of-----	70
-------------------------------	----

BILLS OF EXCHANGE.

To amend an act to entitle an act ascertaining damages on protested bills of exchange-----	69
--	----

BOARD OF PUBLIC WORKS.

To amend the act entitled an act to appoint commissioners to examine the books, accounts and proceedings of the Board of Public Works, and for other purposes, passed March 6, 1845-----	3
Authorizing the Board of Public Works to fix the salaries of certain officers, and for other purposes-----	80

BROKERS.

To tax money brokers-----	127
---------------------------	-----

BANKS AND BANKING.

	Page.
Supplementary to the act to incorporate the State Bank of Ohio, and other banking companies -----	8
Supplementary to the act to prevent unauthorized banking, and the circulation of unauthorized bank paper -----	13
To amend the act to tax bank, insurance and bridge companies, passed March 12, 1831 -----	121
To amend the act entitled an act supplementary to the act to prevent unauthorized banking, and the circulation of unauthorized bank paper, passed January 22, 1846 -----	116

CHANCERY.

To amend the act entitled an act to amend the act directing the mode of proceeding in chancery, and the amendatory acts thereto -----	28
To amend an act directing the mode of proceeding in chancery -----	51

CANALS.

To amend an act entitled an act to amend the act entitled an act to provide for the protection of the canals of the state of Ohio, the regulation of the navigation thereof, and for the collection of tolls, passed March 7, 1842 -----	32
To prevent the rafting of saw logs and timber on the canals of this State -----	67
Relating to the stock owned by the State in the Milan Canal Company -----	36

CANAL FUND COMMISSIONERS.

To prescribe the duties of the Board of Public Works, the Canal Fund Commissioners, the Auditor and Treasurer of State, in regard to the receipt and disbursement of delinquent taxes -----	123
---	-----

COUNTY COMMISSIONERS.

To authorize the county commissioners of this State to lay out and establish State roads -----	73
Regulating the mode of proceeding where county commissioners may be authorized by law to subscribe to the capital stock of railroads, turnpike roads, or other incorporated companies in this State -----	82

COUNTY TREASURERS.

Relating to the duties of county treasurers -----	120
---	-----

COURT OF COMMON PLEAS.

Authorizing special sessions of the court of common pleas, and for other purposes -----	40
Prescribing the times of holding the court of common pleas in the seventh judicial circuit -----	16
Prescribing the times of holding the court of common pleas of the eleventh judicial circuit -----	17
Prescribing the times of holding the court of common pleas in the third judicial circuit -----	18
Prescribing the times of holding the court of common pleas in the sixth judicial circuit -----	18
Prescribing the times of holding the court of common pleas in the fourteenth judicial circuit -----	19
Prescribing the times of holding the court of common pleas in the first judicial circuit -----	20

COURT OF COMMON PLEAS—Continued.

	Page.
Prescribing the times of holding the court of common pleas in the second judicial circuit -----	21
Prescribing the times of holding the court of common pleas in the sixteenth judicial circuit -----	21
Prescribing the times of holding the court of common pleas in the thirteenth judicial circuit -----	22
Prescribing the times of holding the court of common pleas in the tenth judicial circuit -----	23
Prescribing the times of holding the court of common pleas in the fourth judicial circuit -----	24
Prescribing the times of holding the court of common pleas in the fifth judicial circuit -----	25
To amend the first section of an act prescribing the times of holding the courts of common pleas in the seventh judicial circuit, and for other purposes, passed January 22, 1846 -----	25
To establish the times of holding the courts of common pleas in the eighth judicial circuit -----	26
Prescribing the times of holding the court of common pleas in the twelfth judicial circuit -----	27
To amend the act entitled "an act prescribing the times of holding the courts of common pleas in the sixteenth judicial circuit, passed January 19, 1846 -----	28
Prescribing the times of holding the courts of common pleas in the county of Mahoning, in the third judicial circuit -----	50
Prescribing the times of holding the court of common pleas in the county of Ashland, in the eleventh judicial circuit -----	137

CLERKS OF COURTS.

In relation to the clerks of courts -----	64
---	----

COMPANIES AND PARTNERS.

In aid of the law regulating suits by and against companies and partners -----	66
--	----

CUTTING DOWN AND DESTROYING FRUIT TREES, &c.

To extend the provisions of an act to punish the offences of cutting down or destroying fruit and ornamental trees, and stealing fruit and vegetables in certain counties in this State, passed March 13, 1845, -----	41
---	----

DIVORCE AND ALIMONY.

To amend the act concerning, passed March 6, 1840 -----	Page. 115
---	--------------

ELECTIONS.

To amend the act to regulate elections, passed February 18, 1843 -----	83
--	----

EXECUTIONS, PUBLIC.

To amend the act to abolish public executions -----	44
---	----

EMBEZZLEMENT OF PUBLIC MONEY.

To punish the embezzlement of public money, and for other purposes -----	112
--	-----

ESTATES OF DECEASED PERSONS.

To amend the act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840, and for the relief of the administrators <i>de bonis non</i> , of Josephus Reed, deceased, -----	20
--	----

FORCIBLE ENTRY AND DETAINER.

To amend the act entitled an act to amend the act regulating the action of forcible entry and detainer, passed March 13, 1843-----	Page. 69
--	-------------

FRAUDULENT PRACTICES.

To amend an act entitled an act to prevent fraudulent practices, passed March 12, 1844-----	34
---	----

GAMBLING.

More effectually to prevent-----	10
----------------------------------	----

GUARDIANS.

To amend the act for the appointment of, passed February 6, 1824--	58
--	----

HUSBANDS.

In relation to the interest of husbands in the estate of their wives---	75
---	----

HUMAN SEPULTURE.

To secure the inviolability of places of -----	77
--	----

INCORPORATED SOCIETIES.

In relation to religious, literary, and other incorporated societies-----	79
---	----

INCORPORATIONS FOR MANUFACTURING AND OTHER PURPOSES.

Relative to-----	37
------------------	----

INCLOSURES.

For the more effectual protection of-----	76
---	----

INSPECTIONS.

'To amend an act entitled "an act to amend an act for the inspection of certain articles therein enumerated," passed March 9, 1831----	35
--	----

INSOLVENT DEBTORS.

To amend the act entitled "an act for the relief of insolvent debtors," passed March 12, 1831-----	50
--	----

JUDICIAL AND TAX SALES.

For the protection of purchasers at judicial and tax sales-----	114
---	-----

JUDGES.

Providing an adequate compensation for the Judges of the Supreme Court, the President Judges of the Courts of Common Pleas, and the Judge of the Superior Court of Cincinnati-----	33
--	----

JUDGMENTS BY CONFESSION.

In relation to -----	41
----------------------	----

JUSTICES OF THE PEACE.

Further to amend the act allowing juries before-----	64
To amend the act entitled "an act defining the powers and duties of justices of the peace and constables in civil cases," passed March 14, 1831-----	48

LEGAL ADVERTISEMENTS.

To amend the act entitled "an act fixing the prices of printers for the insertion of," passed March 12, 1844 -----	70
--	----

MORTGAGES.

Page.

To require mortgages or bills of sale of personal property to be deposited with township clerks -----	61
---	----

NATIONAL ROAD.

For the settlement and payment of claims for work on the National Road -----	116
--	-----

OFFENCES.

To extend the act entitled "an act to amend the act to amend the act to provide for the more effectual punishment of certain offences," passed March 12, 1845-----	9
To extend the provisions of an act to punish the offences of cutting down or destroying fruit and ornamental trees, and stealing fruit and vegetables in certain counties of this State, passed March 13, 1845, throughout the State-----	44

PUBLIC WORKS.

To provide for the paying certain debts on the public works of the State-----	119
---	-----

PARTNERSHIPS.

To authorize and regulate limited partnerships-----	29
In aid of the law regulating suits by and against companies and partners -----	66

PEDLERS.

Granting licenses to pedlers, and repealing former acts -----	82
---	----

SURVEYS.

To provide for the safe keeping and preservation of the records, maps, and other papers relating to the public surveys of lands within the State of Ohio-----	65
---	----

STATE OFFICERS.

Providing compensation for certain State officers -----	126
---	-----

STATE HOUSE.

To provide for the erection of a new State House-----	52
---	----

SURPLUS REVENUE.

For the better regulation of the surplus revenue -----	68
--	----

SHERIFFS AND CORONERS.

To amend an act entitled "an act defining the duties of sheriffs and coroners in certain cases," passed February 25, 1824-----	52
--	----

STATE PRINTING.

Supplementary to the act to provide for the State printing, passed March 12, 1845-----	60
--	----

SCHOOLS.

To amend an act, passed March 11, 1843, entitled "an act further to amend the act entitled 'an act for the support and better regulation of Common Schools, and to create permanently the office of superintendent of common schools,' " passed March 7, 1838-----	114
--	-----

SCHOOLS—Continued.

	Page.
Authorizing school districts to establish libraries for the use of common schools-----	81

SEWERS.

Providing for the appointment of commissioners of sewers, in certain counties in this State-----	133
--	-----

SUPREME COURT.

Fixing the times of holding the supreme court for the year one thousand eight hundred and forty-six-----	4
--	---

TAXES.

To repeal the third section of an act, passed March 12, 1844, to amend the act entitled "an act pointing out the mode of levying taxes," passed March 14, 1831-----	122
For levying taxes on all property in this State according to its true value-----	85
Supplementary to the act for levying taxes on all property in this State according to its true value-----	110

TURNPIKES.

To amend an act entitled "an act to provide for laying out and establishing free turnpike roads," passed March 12, 1845-----	6
To equalize the tolls on turnpikes-----	84

WEIGHTS AND MEASURES.

To provide for a uniform standard of weights and measures-----	54
--	----

WRITS OF REPLEVIN.

Allowing and regulating writs of replevin before justices of the peace	41
--	----

WRITS OF ERROR.

In relation to-----	34
---------------------	----

WILLS.

To amend an act relating to wills, passed March 23, 1840-----	79
---	----

WITNESSES.

To provide for the attendance of witnesses where the venue is changed, and in other cases-----	15
--	----

**TITLES OF THE ACTS OF A LOCAL NATURE,
PASSED BY THE FORTY-FOURTH GENERAL ASSEMBLY,
TOGETHER WITH THE DATE OF THEIR PASSAGE.**

ACADEMICAL INSTITUTIONS.

	Page.
To incorporate the Loudonville Academy, in the town of Loudonville, in the county of Richland, passed February 14, 1846 -----	107
To authorize the President of the Chillicothe Academy, in the county of Ross, to convey certain property therein named, passed Febru- ary 19, 1846 -----	123
To incorporate the Norwalk Institute, passed February 19, 1846 ---	122
Amendatory to the act incorporating the Cincinnati College, passed February 21, 1846-----	157
To incorporate the Madison Educational Society, in the county of Lake, passed February 23, 1846 -----	161
To incorporate the Farmers' College, of Hamilton county, passed Feb- ruary 23, 1846 -----	163
To incorporate the Trustees of the Wesleyan Female College, of Cin- cinnati, passed February 24, 1846 -----	171
To incorporate the Liverpool Seminary, in the county of Columbiana, passed February 28, 1846 -----	236
Amendatory of the act of incorporation of the Vermillion Institute, at Haysville, Ohio, passed February 9, 1846 -----	65
To incorporate the Baldwin Institute, of Middleburg, Cuyahoga county, passed December 20, 1845 -----	4

BANKS.

To amend the charter of the City Bank of Columbus, passed Febru- ary 28, 1846-----	270
In relation to the banking powers of the Ohio Life Insurance and Trust Company, and the Lafayette Bank of Cincinnati, passed Feb- ruary 11, 1846-----	86
In relation to the Cincinnati Savings Institution, passed February 23, 1846 -----	160

BRIDGES.

To revive the act to incorporate the Hamilton and Rossville Bridge Company, passed March 3, 1840, passed January 13, 1846 -----	24
To revive an act entitled "an act to incorporate the Graham's Mills Bridge Company," passed March 3, 1838, passed January 27, 1846,	38
To incorporate the Manchester Bridge Company, in Butler county, passed February 9, 1846-----	58
To incorporate the Hocking county Toll Bridge Company, passed February 11, 1846 -----	71

BRIDGES—Continued.

	Page.
To incorporate the Piqua Bridge Company, in Miami county, passed February 11, 1846 -----	72
To authorize the construction of a toll bridge over the Little Miami river, at Millford, passed February 21, 1846 -----	153
To authorize the County Commissioners of Ottawa county to erect a bridge across the Portage river, in said county, passed February 27, 1846 -----	199
To incorporate the Piqua and Huntersville Bridge Company, in Miami county, passed March 2, 1846 -----	264

CANALS.

To authorize the town of Portsmouth to construct a termination to the Ohio canal, on the eastern side of the Scioto river, passed February 28, 1846 -----	239
To authorize the City Council of the city of Cincinnati to borrow money for the benefit of the Cincinnati and Whitewater Canal Company, passed February 28, 1846 -----	223

CEMETERIES.

To incorporate the Cadiz Cemetery Association, passed February 19, 1846 -----	134
To incorporate the Massillon Cemetery Association, passed February 16, 1846 -----	111
To incorporate the Defiance Rural Cemetery Association, in Defiance county, passed February 9, 1846 -----	60
To incorporate the Piqua Cemetery Association, passed January 31, 1846 -----	49

CHURCHES.

To incorporate St. Stephen's Chapel, in Delhi township, Hamilton county, passed December 20, 1845 -----	5
To amend an act entitled "an act to incorporate the First Congregational Society, in the town of Freedom, Portage county," passed February 6, 1833, passed December 20, 1845 -----	6
To amend the act to incorporate the Preachers' Aid Society of the Methodist Protestant Church, passed January 24, 1846 -----	35
To authorize the Trustees of the First Presbyterian Church in Athens to convey a part of a certain lot, passed February 19, 1846 -----	122
To change the corporate name of the Protestant Episcopal Church and Society, of Maumee and Miami City, in Lucas county, to that of the Wardens and Vestrymen of Saint Paul's Church, in Maumee City, passed February 19, 1846 -----	124
To amend the act entitled "an act to incorporate the Society of Separatists, of Zoar, in Tuscarawas county," passed February 21, 1846, -----	155
To amend an act entitled "an act to incorporate the First Presbyterian Church in Piqua, and to authorize the Trustees to convey real estate," passed February 25, 1846 -----	181
To incorporate the Methodist Episcopal Church of Mount Vernon, in Knox county, passed February 24, 1846 -----	164
To incorporate the First Associate Reformed Church, in the town of Mount Vernon, passed February 21, 1846 -----	156

COUNTIES.

	Page.
To erect the county of Mahoning, passed February 16, 1846 -----	116
To erect the county of Ashland, passed February 21, 1846 -----	172
To authorize the holding of special terms of the Court of Common Pleas within and for the county of Muskingum, for criminal and other business, passed December 22, 1845 -----	7
To authorize the Commissioners of Pickaway county to borrow money and levy additional taxes, for the purpose of building a new Court House and other public buildings, passed December 30, 1845 -----	10
To authorize the Fund Commissioners of Medina county to loan to the County Commissioners of said county a portion of interest accruing from the surplus revenue loaned in said county, passed January 13, 1846 -----	24
To authorize the County Commissioners of the county of Paulding to apply the bridge tax collected in said county to the payment of the county debt, passed January 24, 1846 -----	34
To authorize the Commissioners of Hamilton county to borrow money, passed February 11, 1846 -----	88
To authorize the Commissioners of Ottawa county to levy a tax for the destruction of blackbirds, passed February 21, 1846 -----	151
To prevent nuisances in the county of Pike, passed February 21, 1846 -----	152
For the relief of the County Surveyor of Fairfield county, passed March 2, 1846 -----	258
To authorize the Commissioners of Defiance county to levy an additional road tax, passed January 17, 1846 -----	29
To regulate the granting of licenses, and regulating taverns in the county of Ashtabula, passed March 2, 1846 -----	259
To extend to the counties of Wyandott and Crawford the provisions of the act providing for the distribution and investment of this State's proportion of the Surplus Revenue, passed March 2, 1846, -----	263
To authorize the Commissioners of Athens county to levy an additional tax for jail purposes, passed March 2, 1846 -----	268

FIRE COMPANIES.

To incorporate the Relief Fire Engine and Hose Company of Ripley, and the Painesville Hydropathic Retreat, passed February 28, 1846, -----	231
To encourage the organization of Fire Companies within the cities of Cincinnati and Steubenville, and to repeal former acts, passed February 14, 1846 -----	106
To enable the city of Chillicothe to enlarge its fire department, passed February 11, 1846 -----	70
To incorporate the Invincible Fire Company of Cincinnati, passed January 27, 1846 -----	38
To incorporate the Felicity Hook and Ladder Company, in the county of Clermont, passed January 24, 1846 -----	34
To enable the town of Mt. Vernon to enlarge its fire department, passed January 13, 1846 -----	25
To authorize the City Council of the city of Dayton to borrow money for purchasing fire engines and other fire apparatus, for the use of said city, passed January 3, 1846 -----	13
To incorporate the Union Fire Engine and Hose Company of Cincinnati, passed December 20, 1845 -----	6

HYDRAULIC COMPANIES.

	Page.
To incorporate the Eagle Creek Hydraulic Company, in the county of Hancock, passed January 10, 1846 -----	21
To incorporate the Franklin Hydraulic Company, passed January 17, 1846 -----	26
To incorporate the Farmers' and Mechanics' Hydraulic and Manufacturing Company, of Franklin township, Warren county, passed January 29, 1846 -----	44
To incorporate the Olentangy Hydraulic Company, passed February 16, 1846 -----	118
To amend the act entitled "An act to incorporate the Chillicothe Hydraulic Association," passed February 19, 1846 -----	122
To incorporate the Galena Hydraulic Company, passed February 20, 1846 -----	137
To incorporate the Miamisburg Hydraulic Company, passed February 20, 1846 -----	140
To amend the act to incorporate the Dayton Hydraulic Company, passed February 24, 1846 -----	166
To incorporate the Rossville Hydraulic Company, passed February 27, 1846 -----	203

INSURANCE COMPANIES.

To amend the act entitled "An act to incorporate the Ohio Mutual Fire Insurance Company," passed March 11, 1843, passed December 30, 1845 -----	12
To amend the act to incorporate the Montgomery County Mutual Fire Insurance Company, passed February 11, 1846 -----	71
To incorporate the Summit County Mutual Fire Insurance Company, passed February 21, 1846 -----	145
To incorporate the Erie Insurance Company, passed February 26, 1846 -----	182
To incorporate the Pickaway County Mutual Fire Insurance Company, passed February 28, 1846 -----	227
To incorporate the Western Mutual Fire Insurance Company, at Urbana, in Champaign county, passed February 28, 1846 -----	232

LODGES.

To amend the act entitled "An act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Ohio," passed February 4, 1839, passed February 16, 1846 -----	114
---	-----

MINISTERIAL LANDS.

In relation to ministerial section twenty-nine, in Greene township, Hamilton county, passed February 27, 1846 -----	194
To amend the act entitled "An act for the sale of certain ministerial lands, in Butler county," passed January 26, 1844, passed February 16, 1846 -----	290

MISCELLANEOUS.

To ratify and confirm the title of certain lands therein mentioned, passed March 2, 1846 -----	299
--	-----

MISCELLANEOUS—Continued.

	Page.
Further to amend an act entitled "An act to authorize the County Recorders to transcribe records in certain cases," passed February 4, 1837, passed January 31, 1846 -----	51
To prohibit the sale of intoxicating liquors in the vicinity of certain manufacturing establishments, in the counties of Scioto, Lawrence and Jackson, passed February 9, 1846 -----	64
To revive certain acts therein named, passed February 11, 1846 ---	84
To authorize the Governor to make a certain deed, passed February 14, 1846 -----	104

MISCELLANEOUS ASSOCIATIONS.

To incorporate the Linton Manufacturing Company, Coshocton county, passed March 2, 1846 -----	260
To incorporate the Newport Manufacturing Company, passed January 7, 1846 -----	17
To incorporate the Summit Manufacturing Company, in the county of Summit, passed January 10, 1846 -----	22
To incorporate the Cuyahoga Copper Smelting Company, passed January 24, 1846 -----	36
To incorporate the Farmers' Storage and Forwarding Company, of Seneca county, at Republic, passed January 27, 1846 -----	47
To incorporate the Zanesville Cotton Mill Company, passed February 9, 1846 -----	66
To amend the act entitled "An act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company" passed March 9, 1839, and the act amendatory thereto, passed March 7, 1842, passed February 14, 1846 -----	105
To incorporate the Ohio Copper and Silver Smelting Company, passed February 19, 1846 -----	125
To incorporate the Cleveland Gaslight and Coke Company, passed February 6, 1846 -----	56
To amend an act entitled "An act to authorize John Reynolds and his associates to drain a certain prairie," passed February 9, 1846 --	59
To incorporate the Trumbull Phalanx, in the county of Trumbull, passed February 11, 1846 -----	76
To incorporate the Columbus Gaslight and Coke Company, passed February 21, 1846 -----	144
To incorporate the Clermont Phalanx, in Clermont county, passed February 23, 1846 -----	159
To incorporate the Defiance and Brunersburg Slackwater Navigation Company, passed February 26, 1846 -----	190

NEW COUNTIES.

See COUNTIES.

PLANK ROADS.

Supplementary to an act entitled "An act to incorporate the Columbus and Sandusky Plank Road Company, passed February 19, 1846 -----	123
--	-----

PRIVATE PERSONS.

For the relief of Robert Gallbreath, passed January 3, 1846 -----	14
---	----

PRIVATE PERSONS—*Continued.*

	Page.
For the relief of John N. Ingalls and Wesley Johnson, of Muskingum county, passed January 22, 1846-----	29
For the relief of David Mauser, of Marion county, passed January 23, 1846-----	33
For the relief of Wesley W. Garner, passed February 11, 1846----	80
To change the name of Elias Levy to that of Elias Yulee, passed February 16, 1846-----	111
To change the name of John Pierson, of Miami county, to that of John Hamilton, passed February 21, 1846-----	151
To change the name of Hester Newell, of Marion county, to that of Hester Stott, passed February 21, 1846-----	152
To change the name of David Karr, of the county of Butler, to that of David Karr Dick, and to change the name of his wife, passed February 21, 1846-----	156
For the relief of the sureties of Hamilton Robb, passed February 27, 1846-----	200

RAILROADS.

To authorize the Mad River and Lake Erie Railroad Company to borrow money, passed January 17, 1846-----	27
To authorize Moses A. Eldridge to construct a railroad, passed January 22, 1846-----	30
To incorporate the Dayton and Western Railroad Company, passed February 14, 1846-----	93
To authorize the Commissioners of Greene county, and the Common Council of the town of Xenia, to subscribe to the capital stock of certain railroads, passed February 14, 1846-----	109
To revive and amend the act entitled "An act to incorporate the Carrollton and Lodi Railroad Company," passed February 20, 1846--	137
To amend an act entitled "An act to amend an act to incorporate the Mad River and Lake Erie Railroad Company, and to authorize the Governor to appoint three directors of said company," passed February 21, 1846-----	143
To amend an act entitled "An act to incorporate the Columbus and Xenia Railroad Company," passed March 12, 1844, passed February 23, 1846-----	157
Authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland, Columbus, and Cincinnati Railroad Company, passed February 24, 1846-----	167
To incorporate the Greenville and Miami Railroad Company, passed February 26, 1846-----	189
To amend an act entitled "An act to incorporate the Urbana and Columbus Railroad Company," passed March 14, 1836, passed February 26, 1846-----	191
To authorize the Commissioners of Knox and other counties to take stock in a railroad, passed February 21, 1846-----	192
To incorporate the Huron and Oxford Railroad Company, passed February 27, 1846-----	195
To incorporate the Bellville, Middletown, and Bolivar Railroad Company, passed February 28, 1846-----	219
To incorporate the Sinking Springs and Jasper Railroad Company, passed February 28, 1846-----	239
To incorporate the Fort Ball and Lower Sandusky Railroad Company, passed March 2, 1846-----	246

RAILROADS—Continued.

	Page.
To authorize the Commissioners of Wayne county to subscribe stock to the Cleveland, Columbus, and Cincinnati Railroad Company, passed March 2, 1846 -----	250
To incorporate the Columbus and Pittsburg Railroad Company, passed March 2, 1846 -----	254
To amend the act to incorporate the Franklin and Ohio river Railroad Company, passed March 2, 1846 -----	258
To incorporate the Springfield and Columbus Railroad Company, passed March 2, 1846 -----	271
To incorporate the Hillsborough and Cincinnati Railroad Company, passed March 2, 1846 -----	276
To incorporate the Cincinnati, Hamilton and Dayton Railroad Company, passed March 2, 1846 -----	278
To incorporate the Junction Railroad Company, passed March 2, 1846, -----	284

SCHOOLS.

For the relief of School District No. 5, in Eaton township, Lorain county, and for School Section No. 5, in Cæser's Creek township, in Greene county, passed December 20, 1845 -----	3
To authorize the corporate authorities of the town of Putnam, Muskingum county, to divide School District No. 1, in said town of Putnam, passed January 22, 1846 -----	33
To authorize the City Council of the city of Cleveland to levy an additional tax for School purposes, passed February 6, 1846 -----	55
To amend an act entitled "an act to divide the town of Lancaster into School Districts," passed March 13, 1843, passed February 11, 1846 -----	89
For the better organization and classification of the Common Schools of Cincinnati and Dayton, and for other purposes, passed March 11, 1846 -----	91
To authorize the Trustees of the township of Findlay, in the county of Hancock, to divide School District No. 1, in said township, into two or more School Districts; and to authorize the Directors of said District to sell the school house and lot belonging thereto, for purposes herein named, passed February 14, 1846 -----	108
For the relief of the Trustees of School District No. 1, in Saybrook township, Ashtabula county, passed February 19, 1846 -----	121
To authorize the Directors of School District No. 1, in Napoleon township, Henry county, to exchange certain lots, passed February 19, 1846 -----	121
To authorize the Directors of School District No. 4, in Chester township, Meigs county, to apportion the Common School money between said District and the High School and Teachers' Institute, located in said District, passed February 25, 1846 -----	177
To authorize the Trustees in the several townships in the county of Lucas to lay off said townships into School Districts, passed February 28, 1846 -----	225
For the relief of School District No. 4, in Bath township, Greene county, passed February 28, 1846 -----	238
To authorize the Directors of School District No. 1, Delhi township, Hamilton county, to appropriate certain funds to the enlargement of a school house therein, passed February 28, 1846 -----	244
To regulate Common Schools in Maumee city, in the county of Lucas, and Elyria, in the county of Lorain, passed March 2, 1846 -----	261

SCHOOLS—Continued.

	Page.
For the relief of School District number 14, in Fairfield county, passed March 2, 1846 -----	268

SCHOOL LANDS.

To revive the act to authorize the sale of School Lands belonging to Greene township, in Scioto county, passed March 2, 1846 -----	253
To authorize the sale of School Section 16, in Greene township, Shelby county, and School Section 16, in Union township, Monroe county, passed February 28, 1846-----	244
To allow the Trustees of the townships of Franklin and Jefferson, in Mercer county, to select a section of land, for School purposes, in lieu of section 16, in said township of Franklin, which lies within the Mercer County Reservoir, passed February 28, 1846-----	226
To amend an act entitled "an act providing for the sale of certain School Sections in the county of Crawford, passed March 7, 1835, passed December 30, 1845-----a	11
To authorize the sale of School Section No. 16, in township 17, in range 5, Columbiana county, passed January 3, 1846 -----	13
To revive the act to authorize the reappraisement of the west half of the southwest quarter of section No. 16, in township No. 16, range 18, Refugee Tract, lying and being in the county of Fairfield, passed January 13, 1846-----	25
Authorizing the sale of lot number 6, of section 16, Smithfield township, Jefferson county, passed January 24, 1846-----	35
To authorize the sale of the fractional parts of School Section 16 which remain unsold, in Manhattan township, Lucas county, passed February 11, 1846-----	77
To authorize the lessee of lot number 6, in section 16, Cheshire township, in Gallia county, to surrender his lease, and become the purchaser of said land, passed February 11, 1846-----	78
To authorize the sale of School Section 16, Mount Pleasant township, Jefferson county, passed February 11, 1846-----	80
To authorize the sale of School Section 16, in Thompson township, Seneca county passed February 14, 1846-----	92
To authorize the sale of School Section 16, in Jackson township, Seneca county, passed February 19, 1846-----	124
To authorize the lessees of School Section 16, in township 3, range 3, in Butler county, to surrender their leases and take deeds, passed February 19, 1846 -----	126

STATE ROADS.

To repeal part of the act entitled "an act to provide for the better regulation and improvement of the Moravian State Road, from Cadiz, in Harrison county, to Uricksville, in Tuscarawas county, passed March 9, 1845," passed December 20, 1845-----	5
To lay out and establish a graded State road in the counties of Carroll and Stark, passed January 3, 1846,-----	12
To lay out and establish a State road in the counties of Miami, Shelby and Champaign, passed January 7, 1846-----	15
To correct a clerical error in an act passed 25th February, 1845, appointing Charles J. Gibbeant a Commissioner on a certain road passed January 17, 1846-----	28
To lay out and establish a State road in the counties of Lawrence, Gallia and Jackson, passed January 29, 1846 -----	45

STATE ROADS—*Continued.*

	Page.
To lay out and establish a graded State road in the counties of Washington, Monroe and Guernsey, passed February 6, 1846-----	55
To amend the act entitled "An act to amend the act entitled an act to provide for the more permanent improvement of roads and highways in the county of Hamilton," passed March 6, 1844, passed February 9, 1846-----	62
To establish a State road in the counties of Crawford and Wyandott, passed February 9, 1846-----	63
To authorize the Commissioners of Hancock county to levy a tax to improve that part of the Perrysburgh and Bellefontaine State Road passing through the centre of said county, from the north line to the south line thereof, and for other purposes, passed February 11, 1846-----	85
To authorize the Commissioners of Wood county to levy a tax for certain roads, passed February 27, 1846,-----	202
To provide for the alteration and completion of the State road from Painesville, in Lake county, to Bloomfield, in Trumbull county, passed February 19, 1846,-----	129
To lay out and establish a graded State road in the counties of Columbiana, Carroll and Jefferson, passed February 21, 1846-----	154
In addition to the act in relation to State and county roads, passed February 27, 1846-----	200
To improve the Indiana road, in Lucas county, passed February 27, 1846,-----	201

TOWNS.

To amend an act to incorporate and establish the city of Cincinnati, and for revising and repealing all laws and parts of laws heretofore enacted on that subject, passed March 1, 1834, and all other laws on that subject since enacted, passed December 24, 1845-----	7
To authorize the Mayor and Town Council of Piqua, Miami county, to cause the lots in said town to be renumbered, passed January 3, 1846-----	15
To amend the act to incorporate the town of Harlem, in Carroll county, passed January 27, 1846-----	37
To authorize the City Council of the city of Dayton to borrow money for the purpose of supplying said city with water, passed January 31, 1846-----	52
To amend the act entitled "An act to incorporate the city of Columbus, in the State of Ohio, and to repeal an act amendatory thereto, passed February 11, 1846-----	78
To incorporate the towns of Downingville, in Carroll county, and Magnolia, in Stark county, passed February 11, 1846-----	81
To incorporate the town of Lebanon, in the county of Warren, and to repeal all laws heretofore enacted on that subject, passed February 14, 1846-----	97
To amend an act entitled "An act to incorporate the town of New Lisbon, in Columbiana county," passed February 14, 1846-----	107
To incorporate the town of Oberlin, in the county of Lorain, passed February 17, 1846-----	120
To amend the act entitled "An act to incorporate the town of Wilmington, in the county of Clinton," passed Jan. 16, 1828, passed February 25, 1846-----	176
To amend the act incorporating the town of Circleville, and the amendatory act thereto, passed February 26, 1846-----	189

TOWNS—Continued.

	Page.
To amend the act to incorporate the town of Salem, in the county of Columbiana, and the act amendatory thereto, passed February 25, 1846 -----	180
To amend the acts incorporating the town of Troy, in Miami county, and Norwalk, in Huron county, passed February 26, 1846 -----	188
To authorize the Town Council of the town of Frankfort to levy taxes on the property in said town, with the consent of a majority of the freeholders thereof, passed February 19, 1846 -----	127
To amend the act entitled "An act to incorporate the city of Columbus, Ohio, and acts amendatory thereto," passed February 27, 1846 -----	198
To amend an act incorporating the town of Washington, in the county of Guernsey, passed February 27, 1846 -----	201
To incorporate the town of Fairview, in the county of Guernsey, passed February 27, 1846 -----	205
To amend an act to incorporate the city of Toledo, and for other purposes, passed February 27, 1846 -----	208
To amend an act to incorporate the town of Hudson, Summit county, passed February 28, 1846 -----	243
To incorporate certain towns therein named, passed February 28, 1846 -----	245

TOWNSHIPS.

To authorize the several townships in the county of Butler to hold real estate for township purposes, passed February 9, 1846 -----	62
To extend an act entitled "An act authorizing the several townships of Butler county to hold real estate for township purposes," over Hamilton county, passed March 2, 1846 -----	260
To attach Sections one, two, three and four, in Roxbury township, Washington county, to Marion township, Morgan county, passed February 14, 1846 -----	105
To amend an act entitled "an act to establish grades, and enforce the paving and Macadamizing of streets, roads, lanes and alleys in the southern part of Millcreek township, Hamilton county," passed March 6, 1844, passed February 19, 1846 -----	131
Relating to the poor of Millcreek township, in the county of Hamilton, passed March 2, 1846 -----	257

TURNPIKES.

To incorporate the Hamilton and Germantown Turnpike Road and Bridge Company, passed January 7, 1846 -----	19
To authorize the Commissioners of Franklin county to subscribe to the capital stock of the Columbus and Portsmouth Turnpike Company, passed January 13, 1846 -----	24
To amend the act incorporating the Wayne, Medina and Cuyahoga Turnpike Company, passed February 2, 1824, passed January 22, 1846 -----	31
To incorporate the Urbana Mechanicksburg and Jefferson Turnpike Road Company, passed January 29, 1846 -----	39
To incorporate the Cincinnati, Delhi and Cleves Turnpike Road Company, passed January 31, 1846 -----	53
To incorporate the Xenia and Wilmington Turnpike Road Company, passed February 6, 1846 -----	57
To incorporate the Hamilton, Middletown and Germantown Turnpike Road Company, passed February 9, 1846 -----	64
To incorporate the Gallia, Jackson and Chillicothe Turnpike Company, passed February 11, 1846 -----	74

TURNPIKES—Continued.

	Page.
To amend the act entitled "an act to incorporate the Portsmouth and Columbus Turnpike Road Company," passed February 7, 1831, passed February 16, 1846 -----	115
To amend the act entitled "an act to incorporate the Ohio Turnpike Road Company," passed February 11, 1832, passed February 21, 1846 -----	150
To incorporate the Salem and Wolf creek Turnpike Road Company, passed February 23, 1846 -----	164
To amend an act entitled "an act to incorporate the Urbana and Loudonville Turnpike Road Company, passed February 10, 1845, passed February 24, 1846 -----	165
To incorporate the Columbus and Harrisburgh Turnpike Road Company, passed February 25, 1846 -----	178
To incorporate the Columbus and Mount Vernon Turnpike Road Company, passed February 25, 1846 -----	179
To incorporate the Batavia and Williamsburg Turnpike Road Company, passed February 25, 1846 -----	180
To incorporate the Columbus and Lancaster Turnpike Road Company, passed February 27, 1846 -----	206
To authorize the Commissioners of Franklin county to subscribe to the capital stock of the Columbus and Dublin Turnpike Road, passed February 27, 1846 -----	218
To incorporate the Donnellsville and Northampton Turnpike Company, passed March 2, 1846 -----	267
For the relief of the creditors of the Cincinnati and Hamilton Turnpike Company, passed March 2, 1846 -----	270

TURNPIKES, FREE.

To amend the act entitled "an act to lay out and establish a free turnpike road from the town of Fairhaven, in the county of Gallia, to the town of Jackson, in the county of Jackson, passed February 28, 1845, passed December 29, 1845 -----	9
Appointing Commissioners with authority to lay out and establish a free turnpike road in the county of Scioto, passed January 7, 1846, -----	16
To establish a free turnpike road from Sidney, in Shelby county, to West Liberty, in Logan county, passed January 7, 1846 -----	18
To lay out and establish a free turnpike road from Sidney to Port Jefferson, in Shelby county, passed January 22, 1846 -----	31
To lay out and establish a free turnpike road from Greenville, in Darke county, through Versailles, to the Miami canal, in Shelby county, passed January 22, 1846 -----	32
To establish a free turnpike road from Bailey's Ferry, in Washington county, to the mouth of Federal creek, Athens county, passed January 27, 1846 -----	37
To amend the act entitled "an act to lay out and establish a free turnpike road from Toledo, in Lucas county, to Woodville, in Sandusky county," passed March 8, 1845, passed January 27, 1846 -----	41
To amend an act entitled "an act to lay out and establish a free turnpike road from Brunersburg to Michigan State line, in the county of Williams," passed February 8, 1844, passed January 27, 1846, -----	43
To lay out and establish a free turnpike road from Judge Bowdle's lane to Wapaukonnetta, in Allen county, passed January 29, 1846, -----	46
To lay out and establish a free turnpike road from the town of Perysburg to the north line of Wood county, passed January 29, 1846, -----	47

TURNPIKES, FREE—*Continued.*

	Page.
To lay out and establish a free turnpike road from Piqua, Miami county, to Beardsville, in Darke county, passed January 31, 1846 ----	54
To appoint Commissioners to locate a portion of the Brunersburg, Evansport and Lockport Free Turnpike Road, in Defiance county, passed January 31, 1846 -----	54
To amend the act entitled "an act to establish a free turnpike road from Lower Sandusky to Findlay, Hancock county," passed February 10, 1845, passed February 6, 1846 -----	57
To establish a free turnpike road from Wapakonnetta, in Allen county, to Kenton, in Hardin county, passed February 9, 1846 -----	66
Appointing Commissioners with authority to lay out and establish a free turnpike road in Lawrence county, passed February 9, 1846 -	68
To lay out and establish a free turnpike road from Woodville through Rollersville, in Sandusky county, passed February 9, 1846 -----	69
To lay out and establish a free turnpike road from Perrysburgh to Defiance, passed February 11, 1846 -----	82
To establish a free turnpike road from Sidney, in Shelby county, to St. Marys, in Mercer county, passed February 11, 1846 -----	83
To lay out and establish a free turnpike road from Brunersburg to Hicksville, in the county of Defiance, passed February 11, 1846 -	83
To lay out and establish a free turnpike road from the south line of township 5, range 12, in Wood county, to McCutchensville, in Wyandott county, passed February 11, 1846 -----	91
To amend an act entitled "an act to amend an act to lay out and establish a free turnpike road from Brunersburg to Michigan State line," passed February 8, 1844, passed February 14, 1846 -----	104
To amend an act entitled "an act to lay out and establish a free turnpike road from Kalida, Putnam county, to Napoleon, Henry county, and to the Michigan State line," passed March 4, 1844, passed February 14, 1846 -----	111
To establish the Bucyrus, Oceola and Upper Sandusky Free Turnpike Road, passed February 19, 1846 -----	128
To establish a free turnpike road from Lower Sandusky to the west line of Sandusky county, passed February 21, 1846 -----	150
To lay out and establish a free turnpike road from Tiffin, in the county of Seneca, to Findlay, in the county of Hancock, passed February 24, 1846 -----	175
To lay out and establish the Dayton, Charlestown and Piqua Free Turnpike Road, passed February 25, 1846 -----	177
To lay out and establish a free turnpike road from Port Jefferson, in Shelby county, to St. Johns and Uniopolis, in Allen county, passed February 25, 1846 -----	178
To regulate the taxes on certain free turnpike roads therein named, passed February 27, 1846 -----	194
To establish a free turnpike road from Wintersville, in Jefferson county, to Massillon, in Stark county, passed February 27, 1846 -----	207
To amend an act to lay out a free turnpike road from Lima, in Allen county, to the Miami Extension Canal, in the county of Putnam, passed March 8, 1845, passed February 27, 1846 -----	218
To amend an act establishing a certain free turnpike road in Allen and Mercer counties, passed February 27, 1846 -----	225
In relation to free turnpike roads in the county of Shelby, passed February 28, 1846 -----	232
To lay out and establish a free turnpike road from Gilead, in Wood county, to Kalida, in Putnam county, passed March 2, 1846 -----	253

TURNPIKES, FREE—Continued.

	Page.
To establish a certain county road, in the county of Putnam, a free turnpike road, passed March 2, 1846 -----	257
To lay out the Clay Free Turnpike Road, in the county of Ottawa, passed March 2, 1846 -----	262
To lay out and establish certain free turnpike roads therein named, in the counties of Miami and Shelby, passed March 2, 1846 -----	266
To amend an act entitled "an act to lay out and establish a free turnpike road from Ottawa, in the county of Putnam, to Napoleon, in the county of Henry, passed March 2, 1846 -----	275

RESOLUTIONS.**A****ASYLUMS.**

For the appointment of Trustees of the Institution for the Deaf and Dumb, Relative to the printing of extra copies of the Annual Report of the officers of the Lunatic and officers of the Blind -----	324
Relative to printing one thousand copies of the Deaf and Dumb Report in the German language -----	295
Relative to printing extra copies of the Annual Report of the Directors and Superintendents of the Deaf and Dumb -----	296
Directing the Superintendent of the Lunatic Asylum to consider the application in behalf of Henry Wintode for admission into -----	292
Directing the Superintendent of the Lunatic Asylum to consider the application of John Baxter for admission into said Asylum -----	292
For the appointment of Directors of the Lunatic -----	327
Appointing William M. Awl, Joseph R. Swan and Noah H. Swayne, commissioners to prepare a system of laws for the safe keeping and management of idiots and lunatic persons, and for the government of the Lunatic Asylum -----	313

APPROPRIATIONS.

Relative to certain -----	317
Relative to certain -----	320
Making certain appropriations therein named -----	303
Making certain -----	314
Ashland and Mahoning, relative to furnishing laws to the counties of -----	326
Abduction of Peter Garner, Creighton S. Lorain and M. Thomas, relative to the -----	330
Adjournment of the General Assembly, relative to the -----	323
Auditor of State to relinquish the taxes assessed upon all money loaned to the town of Zanesville, belonging to the McIntyre School Fund -----	294

B**BOARD OF PUBLIC WORKS.**

To change the location of lock number twenty, south of the Licking Summit -----	306
---	-----

BOARD OF PUBLIC WORKS—Continued.

Page.

To take possession of a certain millrace and dam, owned by the Messrs. Culbertson & Co.-----	300
Directing the printing of extra copies of the Reports of the Auditor of State and of-----	294
Bridge across the Ohio river, at Wheeling, relative to-----	300
Bradford, S., directing the discontinuance of a certain suit against-----	309
Banking companies, in relation to-----	323

C

Court in Bank, relative to furnishing a seal and press for-----	327
Court in Bank, relative to printing Ohio Reports of the ensuing term of the-----	297
Commissioners of Sewers, relative to publishing the act of March 26, 1841-----	302
Commissioners under the act of March 6, 1845, to continue in the service of the State-----	302
Claims of George D. Leckey, in relation to-----	304
Claim of Lyon, Buck & Wolf, relative to the settlement of-----	305
Claim of Urias B. Perrin, directing the Board of Public Works to receive and examine the claim of-----	307
Claim of Peter Minor, authorizing the Board of Public Works to examine--	308
Claims, relative to certain-----	309
Claim of Benjamin Stickney, in relation to the-----	310
Claim of Anthony Hill, in relation to the-----	311
Claims, relative to certain-----	314
Claim of Dresden W. H. Howard, relative to the-----	315
Claim of Gere, Abbott & Co., relative to the-----	325
Clergymen of Columbus for their services, tendering the thanks of the Legislature to the-----	331

D

Distribution of the Ohio Reports among the States, relative to the-----	318
---	-----

F

Federal Judicial Districts, relative to dividing the State into two-----	318
Fleming, William J., directing the discontinuance of a certain suit against-----	310
Future reports of Directors and Warden of the Ohio Penitentiary, relative to-----	298
Furnishing Ohio Reports to Putnam county, relative to-----	307
Furnishing Swan's Collated Statutes to Mercer county, relative to-----	296

G

Grant of land, by Congress, to the State of Ohio, and to the reduction of government lands along the line of the Miami Extension and Wabash and Erie Canal lands, relative to-----	306
--	-----

L

Law, Alma, relative to the application of, for admission into the Lunatic Asylum-----	298
Laws of Ohio, relative to index to the-----	313
Laws and Journals of the present session of the General Assembly, for the distribution of-----	319

	Page.
Laws to Lucas county, relative to furnishing -----	321
Lands escheated in the city of Cincinnati, relative to -----	330
Lands on the Loramie Reservoir, relative to -----	303
Lands ceded to the State near the Mercer county, Loramie and Six Mile Reservoir, relative to -----	312
Library room, relative to the enlargement of -----	316
Louisville and Portland Canal, in relation to -----	320

P

Payment of certain moneys to Jones and Webster, relative to -----	322
Payment of the credits of the Goshen, Wilmington and Columbus Turnpike Road Company, relative to -----	328
Payment of delinquent taxes for the year 1845, relative to -----	299
Payment of laborers for extra work done on the Miami Extension Canal, relative to -----	311
Payment for recording reports and making indexes to the Journals, &c. of the two Houses, relative to -----	327
Postage of Members and Clerks, relating to -----	293
Postage of Members and Clerks, relative to -----	300
Publishing the several acts prescribing the times of holding the Judicial Courts -----	304
Printing, for the use of the General Assembly, extra copies of the act for levying taxes on all property in this State according to its true value -----	324
Publishing 1500 copies of certain executive correspondence in the German language, relating to -----	295
Printing of the Laws, Journals and Public Documents of this General Assembly, relative to -----	291

R

Relief of John S. Johnson, Matthew Johnson, Thomas Blackburn, and Gilberthorp Earl -----	315
Relief of David T. Disney, Esq. -----	331
Relief of the Guardian of Simon McCabe, a lunatic -----	301
Relief of Solomon Pence -----	311
Relief of Hiram Williams and N. R. Usher -----	312
Rescinding a part of the resolution prohibiting the introduction of bills -----	325

S

Seneca county, relative to the confirmation of title to certain lands in -----	298
State Board of Equalization, appointing a -----	326
State Library, directing one copy of the General and Local Laws, and one copy each of Chase's Statutes and Swan's Collated Statutes of Ohio, to be kept, at all times, in the -----	299
State Librarian to take charge of the State House -----	322
State House, appointing Commissioners of -----	324
State stone quarry and railroad, relating to -----	321
Southern boundary of the State of Ohio, relative to -----	320
Senators and Representatives in Congress to oppose any change in the present rates of postage -----	305
SECRETARY OF STATE—	
To furnish the sheriff of Ross county a certified copy of the act to amend an act to abolish public executions -----	309

SECRETARY OF STATE—Continued.

	Page.
To forward School Laws to Lorain county -----	299
To furnish School Laws to Union county -----	315
To furnish a seal to the Clerk of Muskingum county -----	291
To forward School Laws to Washington county -----	293
To issue circular to the sheriffs of the several counties of this State, requesting said officers to forward copies of their jail reports -----	294

T

Trustees for the Institution of the Blind, appointment of -----	325
Trustees of the Charity School of Kendall, in Stark county, appointment of Gilberthorp Earl and others -----	293
Trustees of the Miami University, appointing Peter Odlin -----	302
Trustees of Ohio University, for the appointment of -----	317
Thanksgiving, relative to a day of -----	321

Z

Zanesville and Maysville Turnpike Company, and other companies in which the State holds stock, relative to -----	316
---	-----

AN INDEX.

TO THE

STATUTES OF OHIO:

CONTAINED IN

VOLUMES XL. XLI. XLII. XLIII. XLIV. XLV.,

OF THE

GENERAL LAWS.

PRINTED BY AUTHORITY OF THE GENERAL ASSEMBLY.

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ADVERTISEMENT.

There are some laws contained in the volumes indexed that have been expressly repealed. These repealed laws are briefly referred to in the index, under the proper heads, and generally, by a reference to their titles. To have given a full index to these repealed laws, would have been of little practical use, and made the index less intelligible.

INDEX

TO

VOLUMES XL. XLI. XLII. XLIII. XLIV. XLV.

ABATEMENT—

- actions of trespass for torts not to abate by the death of the plaintiff, XLIII. 114.
- misnomer not to abate suit, XLIII. 114.
- dissolution of a corporation by the expiration of its charter, or otherwise, not to abate a suit pending for or against it, XLI. 52.
- marriage of a female while she has a suit pending not to abate it, XLIII. 114.

ACCEPTOR OF A NOTE OR BILL.—

- privilege and liability of, if in fact a mere surety for the payment of money to a bank, although the contract states that the acceptor is principal, XLIII. 67, 68.

ACCOMMODATION DRAWER, ACCEPTOR OR INDORSER —

- privilege and liability of, if in fact a mere surety for the payment of money to a bank, although the contract states such drawer, acceptor or indorser to be principal, XLIII. 67, 68.

ACKNOWLEDGMENT OF INSTRUMENTS —

- what commissioners in other States may take acknowledgments of deeds, &c., XLII. 5.

ACTIONS —

- by and against dissolved corporations and their trustees, and effect of dissolution upon suits pending and upon the real estate owned by such dissolved corporations, &c., XLI. 52, 53; see XLIII. 95; XL. 72.
- against fund commissioners of surplus revenue, XLIII. 69.
- upon contracts of insurance, where they may be brought, and practice, proceedings, &c., in such cases. XLV. 17, 18.
- by foreign guardians, XLIV. 58, 59.
- against a foreign executor or administrator, XLII. 52.
- by banks and bankers*: in what name to sue under charter of 1845, XLIII. 44.
- the declaration, bill of particulars, pleadings and evidence if suit brought on note, bill, &c., indorsed to the bank, XLIII. 67.
- by a dissolved corporation upon claims not negotiable, and which were assigned to such corporation, XLIII. 94, 95.

ACTIONS—Continued.

by banks and bankers—continued.

by dissolved bank and their trustees, **XLII. 52, 53**; see **XLIII. 95**; **XL. 72**.
foreign bank may sue here, **XLIII. 84**.

against banks and bankers: in what name sued, and how process under charter of State Bank, &c., served, **XLIII. 44**.

proceedings, &c., if charter dissolved by expiration of its term of existence, or otherwise, while suit is pending or before suit brought, **XLII. 52, 53**.

on bills of branch of State Bank, **XLIII. 36**.

who may be witnesses in suits to subject their credits or effects to the payment of their debts, **XLIII. 67**.

attachment of credits and effects of a foreign bank in equity, &c., **XLIII. 88**.

the declaration, bill of particulars, and evidence in actions on their bills, notes, &c., **XLIII. 67**; see **XLIII. 34, 36**.

certain acts relating to suits against, &c., repealed, **XLIII. 68**.

parties to: in suits by or against limited partnerships, **XLIV. 32**; by or against manufacturing companies, **XLIV. 37, 39**; by receivers, **XLIV. 51**; by or against a partnership in its firm name, **XLIV. 66**; by a bank against parties to a note or bill, &c., indorsed to the bank, **XLIII. 67**; upon a negotiable instrument against maker, &c., **XLII. 72**; upon an instrument not negotiable, which has been assigned by a dissolved corporation, **XLIII. 94, 95**; against unknown heirs or devisees when sued in chancery, **XLIII. 125**.

when initial letter or contraction of christian name may be used in a suit to designate the party, **XLIII. 114, 115**.

the form of action in which the suit is brought is immaterial after verdict, **XLII. 72**.

when and upon what terms proceedings in suits may be amended, **XLIII. 114**.

ADJUTANT GENERAL —

duties relating to credits given on bonds and receipts for public arms, **XLIV. 63**.

Salary of, **XLII. 23**.

ADMINISTRATOR —

clerks of courts ineligible unless near of kin, **XLIV. 64**.

how compelled to pay taxes on estate, **XLV. 64**.

to list property of decedent for taxation, **XLIV. 88**.

if decedent was guardian, his administrator to file account of guardian and compensation therefor, **XLIV. 58**.

if sale of real estate by, be invalid, how purchaser protected, **XLIV. 114**.

within what period creditors may sue, **XLV. 25**.

pleadings, evidence, damages and costs in suit on his bond for not filing an account of the estate within the period allowed by law or the court, **XLIV. 76, 77**.

de bonis non: may complete sale, conveyance, &c., where predecessor filed a petition for a sale of real estate and resigned or was removed, **XLIII. 20, 21**.

may sell, convey, &c., by virtue of power given executors in the will, **XLII. 73**.

ADMINISTRATOR—Continued.

with will annexed: may complete sale, conveyance, &c., where predecessor filed petition for a sale of real estate and resigned or was removed, XLIII. 20, 21; may sell, &c., under power given in the will, XLIII. 66; XLII. 73, 74.

foreign: survivor of, may sell land under devise or power given in will to all or any, XLIII. 66; XLII. 73, 74; may be sued here, XLII. 52.

surviving: whether foreign or not, may sell land under devise or power given in will to all or any, &c., XLIII. 66; XLII. 73, 74.

ADVERTISEMENTS—

of bids for state printing, XLIV. 60, 61.

for voters to vote that county commissioners shall subscribe for stock in a corporation, XLIV. 82.

of sale of lands delinquent for taxes, when, where and how made, XLII. 27.

of bids for printing, &c., the Ohio Reports, XLIII. 4.

required to be made by officers, &c., in newspapers: rates which may be charged for, how set up, and affidavit of printer, &c., XLII. 43; see XLII. 26; fee of printer for his affidavit that he published, XLII. 43; if publication cannot be obtained on terms fixed by law, in proper county, where publication may be made, XLIV. 70; where, when and how lands delinquent for taxes to be advertised, XLII. 27; one paper containing list of forfeited and delinquent land to be sent by auditor of county to auditor of state with copy of publisher's bill, XLIV. 70; forfeited lands, XLIII. 124; XLV. 64; XL. 4.

AFFIDAVIT—

under act relating to gambling and gamblers, XLIV. 11, 12.

in action of replevin before a justice of the peace, XLIV. 42, 43.

under the act to secure the inviolability of human sepulture, XLIV. 77, 78.

of printer who claims fees for publishing advertisement, its form and fees for making, XLII. 43.

to dispense with notice of application for an injunction or the appointment of a receiver in chancery, XLIV. 51.

AGENT—

when deemed the owner of goods and when not, for the protection of third persons, and duties as to property consigned, XLII. 49.

who acts for warehousemen and gives fictitious acknowledgment of the receipt of goods, or accepts or deals falsely or fraudulently with goods of his principal, &c., how punished, XLIV. 34; XLII. 50, 51.

how compelled to pay taxes on property of his principal, XLV. 64.

embezzlement by the agent of the state, what and how punished, XLIV. 112, 113.

embezzlement, &c., by agent of a bank, what and how punished, XLIII. 50.

AGRICULTURAL FUND—

how created, &c., XLV. 43 to 45, 49.

AGRICULTURE AND AGRICULTURAL SOCIETIES—

an act for the encouragement of, XLIV. 70.

number, appointment, terms of office, &c., of state board of agriculture and appropriations for the use of the board, &c., XLV. 49.

premiums by agricultural societies, XXIV. 71.

ALIMONY AND DIVORCE—

jurisdiction of the court of common pleas and supreme court, in application for, **XL. 94.**

petition for, to be filed on the chancery side of the court, and in what courts, **XL. 94.**

no appeal allowed from decree of the court of common pleas, **XL. 94.**

AMENDMENT—

when and upon what terms process, pleadings and proceedings in an action pending may be amended, **XLIII. 114.**

how a mistake in the name of a party to an action corrected, **XLIII. 114.**

ANSWER IN CHANCERY—

not evidence for defendant unless the bill calls for an answer under oath, **XLIII. 125.**

APPEAL—

in what cases not allowed: to the supreme court, in proceedings or actions at law in any other court, **XLIII. 80**; nor from the decrees of the court of common pleas in cases of divorce and alimony, **XL. 94**; nor in suits against fund commissioners of surplus revenue or their agent, &c., **XLIII. 70.**

in what cases allowed and how perfected, &c.: from the decision of road commissioners and county commissioners when a free turnpike is relocated, **XLIV. 6**; under the act relating to gambling and gamblers, **XLIV. 12**; in actions before justices which are tried by a jury, **XLIII. 57**; in actions of replevin before justices, **XLIV. 42**; in cases of the trial of the right of property taken upon an execution by a constable, **XLIII. 57**; in a suit in chancery by any one or more of the parties of his separate part of the suit, and the amount and condition of the bond in such case, **XLIII. 126.**

who to pay costs on: when a jury case before a justice is appealed by the defendant, and the plaintiff recovers less than twenty dollars, **XLIV. 64**; see **XLIII. 57**; when such case is appealed by the plaintiff and he recovers less than twenty dollars and claimed more than twenty, but recovered less before the justice, he shall pay costs, &c., **XLIII. 57**; where such case is appealed by the defendant and he claimed before the justice more than twenty dollars as a set off and recovered less, and recovered on appeal less than twenty dollars, he shall pay the costs, &c., **XLIII. 57.**

APPEAL BOND—

when free turnpike relocated, **XLIV. 6.**

under act relating to gamblers, **XLIV. 12.**

where one party to a suit in chancery appeals his separate part of the suit, **XLIII. 126.**

APPORTIONMENT OF REPRESENTATION—

in general assembly, **XLII. 63.**

congressional districts, **XL. 70**; **XLIII. 96.**

APPRAISEMENT—

when appraisement of testator's personal estate dispensed with at his request, XLV. 25.

commissioner of insolvents may have the real estate of insolvent reappraised after being offered for sale, XLI. 15.

for the law allowing appraisement, &c., of personal property under execution, (which has expired by its own limitation,) see XLI. 10, 12; XLIII. 76.

APPROPRIATIONS—

for 1842, XL. 1, 59.

for 1843, XLI. 6, 95.

for 1844, XLII. 78 to 81, 9.

for 1845, XLIII. 129.

for 1846, XLIV. 130, 15, 119.

for 1847, XLV. 17, 20, 21, 56.

to pay certain debts on the public works and how money raised, &c.. XLIV. 119.

for superintendence and repairs of certain canals, XLIV. 124.

for teacher's institutes, XLV. 67.

ARGUMENTS IN THE COURT IN BANK—

when to be oral and when not, XLIII. 81.

ARMS, PUBLIC—

how bond or receipt for public arms credited, on account of inevitable accidents to the arms, XLIV. 63.

ARREST OF JUDGMENT—

cannot be had on account of certain mistakes in the proceedings and pleadings, XLII. 72.

ASSES—

how listed, &c., for taxation, XLIV. 90.

ASSESSORS—

of district: appointment, oath, bond, vacancy in office, duties, &c., for the year 1846, XLIV. 94 to 97; fees, XLIV. 109; penalties against, XLIV. 110; number to be elected when there is an incorporated town or city within a township, XLV. 65.

of township: number and when and how elected in townships in which is situated an incorporated town or city which is divided into wards, XLIV. 97; XLV. 65; oath, bond, vacancy in office and how filled, XLIV. 97; general duties, XLIV. 98 to 100, 108; XLII. 61; XLI. 1; XLV. 59, 61, 62; may appoint assistant, &c., XLIV. 109; fees of, XLIV. 109; XLV. 62; penalties against, XLV. 110; XLII. 1.

to collect commutation money due in lieu of military duty, XLIII. 23.

duties, &c., in certain counties under the act to provide for registering the names of electors and to prevent frauds in elections, XLIII. 116 to 118.

when, in certain counties, to leave a notice to make out and to call for statement of property liable to be assessed for taxes, and when to make out, of persons and property, XLV. 59.

in certain counties, to perform their duties between 10th March and 10th April, XLIV. 9.

ASSIGNMENTS —

- by limited partnerships, when void, XLIV. 31.
- by a bank chartered under the act of 1845, when made in contemplation of insolvency, &c., void, XLIII. 49, 50.
- by officer, agent, &c., of a bank chartered under act of 1845, to defraud the bank, how punished, XLIII. 50.
- by way of mortgage of personal estate, when void, XLIV. 61.

ASSOCIATE JUDGES —

- powers and duties*: in taking recognizance of putative father of bastard child, who is in jail, XLIII. 65; in allowing injunctions, XLIII. 125, 126; in proceedings by habeas corpus, XLV. 46, 47.
- fees of*: in proceedings by habeas corpus, XLV. 47; for two inquests in lunacy the same day, or for extra services during the session or term of the court, XLV. 52, 53.
- compensation per day for attending court, XLII. 23.
- when interested, cause to be certified to adjoining county, XLIII. 81.

ASYLUM —

See LUNATIC ASYLUM. BLIND, ASYLUM FOR. DEAF AND DUMB, ASYLUM FOR.

ATTACHMENT —

- against foreign banks, XLIII. 88.
- of water craft in suit against it by name, need not be served until expenses, &c., of keeping, &c., are advanced, and as to what amount of fees assistants, &c., of officer entitled to, XLI. 51, 52.

ATTORNEY GENERAL —

- act creating the office and prescribing the duties and compensation, XLIV. 45.
- to assist the Auditor of State in the adjustment, &c., of claims of creditors for work, &c., on the national road, XLV. 28.

ATTORNEY FOR THE STATE —

- duties of, &c.*: as informer upon and prosecutor of gamblers, &c., XLIV. 12;
- as informer upon and prosecutor of those who circulate bank bills of other States, &c., contrary to law, XLIV. 14; in proceedings against unlicensed brokers, XLIV. 129; in suits against county fund commissioners, XLIII. 69; in proceedings against persons who bring indigent persons or lunatics into the county, XLIII. 78; or who trespass upon the public lands, XL. 57, 58; or officers who neglect their duty relating to the taking of the census, XLII. 1; as to attending to bills of interpleader for the treasurer of the county in certain cases, XLIII. 124; to keep cash book or journal of all moneys received officially, &c., XL. 25.

ATTORNEYS AT LAW, &c. —

- not to take fee to procure pardon of criminal, XLIV. 7.
- effect of suspension from practice, XLIV. 7.
- fees of*: in certain jury cases appealed to the Court of Common Pleas, XLIII. 57; amount for defending pauper criminal must be approved by the county commissioners, XLII. 28.

AUCTIONS AND AUCTIONEERS —

how moneys arising from licenses, duties and penalties against, appropriated, except, &c., XLII. 38.

AUDITOR OF COUNTY —

mode of appointing a committee to examine the books, &c., of the auditor, and the powers and duties of such committee, XLV. 42, 43.

his employment of assistants, and the salary of such assistants, XLIII. 123.
effect of not keeping his office at the county seat, XLII. 77.

powers and duties of: when statement, &c., of taxable property has not been sworn to by the owner, &c., or when the owner, &c., is unavoidably prevented from making list, XLIV. 102; XLV. 62, 63; as to adding to list of property what is omitted, and correcting errors, &c., XLIV. 102; XLV. 63; as to the listing, valuing, &c., property for the year 1846, XLIV. 102, 103; as to correcting valuation, &c., of property, XLIV. 108; XLV. 63; as to statement of moneys received under the act taxing brokers, XLIV. 130; as to making out duplicate or full schedule of all taxable property, &c., XLIV. 105 to 107; XLV. 63; as to transmitting abstracts to the auditor of state, and the forms thereof, XLV. 64; when land upon which taxes have been actually paid are returned delinquent, XLIII. 1; as to issuing orders for certain costs in criminal cases before justices, XLIII. 63, 64; as to publication of variations of the true from the magnetic meridian, XLIII. 75; as to orders drawn by the directors of the poor house for provisions, &c., XLIII. 100; as to road taxes to be applied to free turnpikes, and fees, XLIII. 107; as to advertising lists, sale, and redemption of lands forfeited for taxes, XLIII. 124; XL. 4 to 6; XLV. 64; as to advertising and selling land delinquent or forfeited for taxes, when the taxes are not double the cost of advertising, XLV. 64; when and how to prepare list and advertise lands delinquent for taxes, XLII. 27; to send a newspaper containing list of forfeited and delinquent lands to the auditor of state, with copy of publisher's bill, XLIV. 70; as to suits against the fund commissioners of the surplus revenue, XLV. 32; as to including school land under lease in the list of land liable to pay district school tax, XLII. 61; generally, under the "retrenchment law" of 1844, XLII. 25, 26; see XLIII. 123; XLII. 43; as to keeping cash books, XLIII. 123; XLII. 25, 26; as to giving notice relating to the election and support of a county superintendent of common schools, XLV. 32, 33; as to the enumeration of youth, XL. 50, 51; as to distribution of the school fund when a district is composed of parts of different counties, XLI. 59; as to apportioning school fund generally, XL. 50, 51; as sealer of weights and measures, XLIV. 55 to 57; as one of the board for equalizing the valuation of property for taxation, XLV. 60, 61; as commissioner of the surplus revenue, XLIV. 68, 69; as to drawing orders in favor of agricultural societies, XLIV. 71; as to licenses of pedlers, XLIV. 82, 83; when there is a vacancy in the office of township assessor, XLIV. 97; as to amount to charge for the exhibition of shows, XLV. 43; may contract for publication of the general laws in newspaper of county, if, &c., and duties in such case, XLII. 82; to record in a book the bonds of public officers which have heretofore or may hereafter be lodged with him for safe keeping, and to give certified copies therefrom, XLI. 13.

as to his deducting tax on property destroyed, XLI. 50.

relieved from duty of commissioner of insolvents, XLIV. 50.

AUDITOR OF COUNTY—Continued.

fees and compensation: generally, XLII. 24; see also XLIII. 123, as to keeping "cash books"; as fund commissioner of surplus revenue, &c., XLIV. 68; XLV. 32; application, &c., of road taxes to free turnpikes, XLIII. 107.

penalties against: for not performing certain duties relating to the State census, XLII. 1; under the "retrenchment law" of 1844, XLII. 25; see XLIII. 123; for neglect of duty in relation to the enumeration of youth annually, XL. 50.

AUDITOR OF STATE —

powers and duties, &c.: under the act for the erection of the new state house, XLIV. 53; under the act for the settlement and payment of claims for work on the national road, XLV. 117; under the act for the relief of the creditors of the national road, XLV. 27; under the act for the relief of the creditors of turnpike companies in which the State is a stockholder, XLV. 35; under the act relating to the sale of stock and issuing of State bonds at 7 per cent. &c., to pay domestic creditors of the State, &c., XLI. 84; upon the proceedings of the state board of equalization for the year 1846, XLIV. 105; as to the aggregate per centum of taxation and notice thereof, XLIV. 105; as to rate of taxes upon stage companies, joint stock companies, &c., XLIV. 108, 109; as to the application of taxes upon banks and insurance companies, XLIV. 122; as to schedules, &c., of checks, and the checks of acting commissioners of the board of public works, XLII. 75, 76; as to the annual apportionment of the school fund, XL. 50; under the act relating to the receipt and disbursement of the canal fund, XLIV. 123 to 125; see XLI. 56; under the act to provide for the state printing, XLIII. 84 to 86; see XLIII. 4; in relation to lands forfeited to the State for taxes, and their redemption, XL. 4 to 6; when title of purchaser of canal land, &c., from the State is defective, XLII. 6; as to appointing agent to examine banks, XLIII. 40; as to insolvent banks, and the examination of banks under the act of 1845, XLIII. 40, 42.

salary, XLIV. 126.

clerks in his office, XLIV. 126.

BAIL —

See SURETIES.

for stay of execution before a justice: how to proceed if the bail be insufficient, or if the defendant to the stayed judgment dies before the judgment is satisfied, XLIV. 49.

BANK BILLS —

as to the bills of the branches of the state bank under the act of 1845: how expense of plates and printing paid, XLIII. 32; where, when, to whom and in what payable, how signed, &c., XLIII. 32; by whom to be delivered to a branch and upon what condition, XLIII. 33; what amount may be put in circulation, XLIII. 32, 33; how circulation controlled by board of control, XLIII. 31; kind and denomination, &c., which they may issue, XLIII. 45, 32; how redeemed and paid, XLIII. 34 to 36, 45, 46; disposition, &c., of such as are defaced or mutilated, XLIII. 33; or altered, XLIII. 122; branches to receive bills of each other, XLIII. 45, 46.

BANK BILLS—Continued.

as to bills of independent banks under the act of 1845: how plates, dies, &c., of bills kept and paid for, XLIII. 37, 38; their device, form, engraving, and by whom delivered to the banks, XLIII. 37; how redeemed and collected, XLIII. 39 to 42; forbid using for certain purposes, XLIII. 46, 47; kind and denomination which they may issue, XLIII. 45, 32; disposition, &c., of such as are defaced or mutilated, XLIII. 38; or altered, XLIII. 122; to receive the bills of each other, XLIII. 45, 46.

altered, to be redeemed by banks at their true amount, XLIII. 122.

penalties relating to: against certain persons and corporations circulating, &c., bills of banks of other states, or bills of banks of this state, whose charter has expired or whose assets are in the hands of receivers, XLIV. 13, 14; circulating unauthorized bank paper, XLIII. 121.

BANKS AND BANKING—

commissioners to organize banks under act of 1845: appointment, term of office, &c., and general duties, XLIII. 26, 28, 29; see, also, XLIV. 8; compensation, XLIII. 53; how to organize state bank, XLIII. 30, 31; how far powers of transferred to board of control, XLIV. 8.

organization of banks under the act of 1845: how association for banking formed and number of banks, XLIII. 24 to 26, 29, 30; what certificate the association to make out, acknowledge and have recorded, and to whom copies transmitted, &c., XLIII. 26, 27; amount of capital and when and how to be paid in before organization, XLIII. 26, 27; examination by bank commissioners or their agents, and certificate, &c., of the bank commissioners, XLIII. 28, 29; see, also, XLIV. 8; proclamation by governor, XLIII. 29; how commissioners to determine the number, when more banks are formed than are assigned by law to a district, XLIII. 29, 30.

branches of the state bank of 1845: bodies corporate, &c., and how long, XLIII. 44; proceedings of commissioners, board of control, &c., when the board of control think a proposed branch ought not to be admitted as a branch, XLIV. 8; how organized primarily, XLIII. 30; when and how to appoint a board of control, XLIII. 30; general powers of board of control over branches and their officers, XLIII. 31; requisites of evidences of debt issued by, and how far negotiable, XLIII. 32; safety fund of, XLIII. 33, 34; limit of credit to directors and stockholders as sureties or principals, XLIII. 34; when deemed insolvent and how closed, &c., and their debts paid, &c., XLIII. 34 to 36; general banking and other powers of, XLIII. 44, 45; amount of coin or equivalent to have on hand, and when to withdraw their bills from circulation, XLIII. 46; limit of indebtedness, XLIII. 46; what bills of other banks not to pay out or circulate, XLIII. 49; how they may close their business, XLIII. 53.

board of control of, under act of 1845: appointment, official bond and compensation, powers and duties, XLIII. 30 to 36, 52, 53; to have powers of bank commissioners, under the fifth section of the act of 1845, to incorporate the state bank, XLIV. 8; their proceedings when they think a banking company ought not to be admitted as a branch, XLIV. 8; proceedings against the board for neglect to proceed against insolvent branch, XLIII. 35, 36.

BANKS AND BANKING—Continued.

safety fund of branches of state bank under act of 1845: how created, XLIII. 33; how managed and disposed of, &c., XLIII. 34, 35.

stockholders of branches of the state bank under the act of 1845: when to pay in stock and how payment enforced, XLIII. 27, 28, 43; to what amount stockholder may be liable as principal or surety, XLIII. 34; not to receive dividend if indebted to bank, XLIII. 43; number of votes, XLIII. 43; proxies to vote, XLIII. 43; may appoint agent to act with receivers in compromising debts, &c., of an insolvent institution, XLIII. 40.

directors of branches of the state bank under the act of 1845: how elected, number and qualification, oath, term of office, vacancies, &c., XLIII. 43, 44; how punished criminally for certain frauds, &c., XLIII. 50; to what amount may be liable to branch as principals or sureties, XLIII. 34.

as to the bills of the branches of the state bank under the act of 1845: how expense of plates and printing paid, XLIII. 32; where when, to whom and in what payable, how signed, &c., XLIII. 32; by whom to be delivered to a branch and upon what condition, XLIII. 33; what amount may be put in circulation, XLIII. 32, 33; how circulation controlled by board of control, XLIII. 31; kind and denomination, &c., which they may issue, XLIII. 45, 32; how redeemed and paid, XLIII. 34 to 36, 45, 46, disposition, &c., of such as are defaced or mutilated, XLIII. 33; or altered, XLIII. 122; branches to receive bills of each other, XLIII. 45, 46.

independent banks under act of 1845: bodies corporate, &c., and how long, XLIII. 44; organization of, XLIII. 24 to 30; in what stocks and how capital stock invested, XLIII. 36, 37; how interest on such stocks disposed of, XLIII. 38; how such stocks disposed of in case of insolvency, &c., XLIII. 39 to 41; engraving and delivery of bills to them by the treasurer of state, XLIII. 37; how to curtail their circulation and relinquish their business, XLIII. 42; general banking and other powers, XLIII. 44, 45; limit of indebtedness, XLIII. 46; amount of coin or its equivalent to have on hand, and when to withdraw their bills from circulation, XLIII. 46; not to use their own bills for certain purposes, XLIII. 46, 47.

stockholders of independent banks under the act of 1845: when to pay in stock and how payment enforced, XLIII. 27, 28, 43; number of votes and proxies to vote, XLIII. 63; not to receive dividend if indebted to bank, XLIII. 43; to what amount a stockholder may be liable as principal or surety, XLIII. 41, 42; may appoint an agent to act with a receiver in compromising debts, &c., of an insolvent institution, XLIII. 40.

directors of the independent banks under the act of 1845: how elected, number, qualifications, oath, term of office, vacancies, &c., XLIII. 43, 44; to what amount may be liable to bank as principals or sureties, XLIII. 41, 42.

bills of independent banks under act of 1845: how plates, dies, &c., of bills kept and paid for, XLIII. 37, 38; their device, form, engraving, and by whom delivered to the banks, XLIII. 37; how redeemed and collected, XLIII. 39 to 42; forbid using for certain purposes, XLIII. 46, 47; kind and denomination which they may issue, XLIII. 32, 45; disposition, &c., of such as are defaced or mutilated, XLIII. 38; or altered, XLIII. 122; to receive the bills of each other, XLIII. 45, 46.

BANKS AND BANKING—Continued.

examination of banks under the act of 1845: subsequent laws respecting cannot be passed XLIII. 42; by board of control or its agent XLIII. 31; agent of bank commissioners to examine the condition of a bank before commencing business, &c., XLIII. 28, 29; compensation for, XLIII. 53; agent for the examination, &c., of insolvent banks, XLIII. 35, 40; agent for the examination of old banks, XLIII. 52; examination by board of control, &c., when branch has committed act of insolvency, XLIII. 35; examination of independent banks annually by agent of treasurer of state, &c., XLIII. 42.

stock and capital stock of banks under act of 1845: aggregate amount of, XLIII. 24; amount of for each bank, what and when and how paid in, XLIII. 27, 28; to be sold to pay installments due on, XLIII. 28; how transferred XLIII. 43; when capital increased, XLIII. 80; how capital stock of independent banks invested, disposition of such investment and interest, XLIII. 36 to 43; effect of diminishing the capital stock of independent banks by making dividends, XLIII. 41; effect of withdrawal of as portion of the stock, XLIII. 47.

assets of banks under the act of 1845: not to be assigned, unless, &c., XLIII. 49, 50; what deemed bad or suspended debts, XLIII. 47; assignments of, in contemplation of insolvency, &c., void, XLIII. 50.

receivers of banks under act of 1845: when and how appointed if a branch of the state bank is insolvent, and bond, powers and duties, XLIII. 35. when and how appointed if an independent bank is insolvent, and bond, powers and duties, XLIII. 40, 41.

loans, discounts, &c., by banks, under the act of 1845: general powers to make, XLIII. 44, 45; not to be secured by stock of bank, XLIII. 43; when not to make, XLIII. 46; what interest or per cent. they may charge for, and forfeitures, &c., for charging too much, XLIII. 49; effect of interest on debts due to banks being passed due and unpaid, for six months, XLIII. 47; when dividend on stock to be applied to payment of, XLIII. 48.

purchases and sales by banks under the act of 1845: of their own or other stock, XLIII. 43; of real estate, notes, bills, &c., gold and silver. &c., XLIII. 44, 45; what per cent. and upon what terms they may buy and sell, XLIII. 49.

creditors of banks under the act of 1845: proceedings when the branch of a state bank will not pay its debts, XLIII. 34 to 36; or when an independent bank will not pay its debts, XLIII. 39 to 41.

dividends of banks under act of 1845: when to make, and amount, and when not to make, XLIII. 46, 47, 41; when to be applied to stockholders' debt to bank, XLIII. 43; tax on, XLIII. 48.

miscellaneous provisions relating to banks under the act of 1845: interest taken by, on safety fund bonds, XLIII. 34; publication of advertisements under that act, XLIII. 53; how far liable to visitatorial power, XLIII. 42; how much coin to keep in vaults, and what deemed equivalent to coin, XLIII. 46; their per cents in their business, XLIII. 49; punishment of officers, directors, &c., for certain embezzlements, assignments, frauds, &c., XLIII. 50; what deemed bad or suspended debt, XLIII. 47; semi-annual statement of their condition, and when, how and by whom made, XLIII. 47, 48; amount of taxes and how paid, &c., XLIII. 48; certain banks existing Feb. 24, 1845, to be examined and to make out statement, &c., XLIII. 122.

BANKS AND BANKING — *Continued.*

amendments, &c., to the charters of the bank of Wooster, Xenia, Sandusky, Norwalk, and Lafayette Bank of Cincinnati, XLII. 40; and see XLII. 19; XLIII. 50, 51, 52.

banks allowed to come in under the act of 1845: Geauga, Western Reserve, Columbiana, Life Insurance and Trust Company, Lafayette Bank of Cincinnati, Wooster, Massillon, Norwalk, Circleville, Xenia, Sandusky, and Clinton Bank of Columbus, XLIII. 50 to 54.

actions by and against banks: in what name to sue under the charter of 1845, XLIII. 44; the declaration, bill of particulars, pleadings and evidence, if suit brought on note, bill, &c., indorsed to the bank, XLIII. 67.

by a dissolved corporation, upon claims not negotiable and which were assigned to such corporation, XLIII. 94, 95.

by dissolved bank and their trustees, XLI. 52, 53; see XLIII. 95; XL. 72. foreign bank may sue here, XLIII. 84.

in what name sued, and how process under charter of state bank, &c., served, XLIII. 44.

proceedings, &c., if charter dissolved by expiration of its term of existence, or otherwise, while suit is pending, or before suit brought, XLI. 52, 53.

on bills of branch of state bank, XLIII. 36.

who may be witnesses in suits to subject their credits or effects to the payment of their debts, XLIII. 67.

attachment of credits and effects of a foreign bank in equity, &c., XLIII. 88.

the declaration, bill of particulars, and evidence in actions on their bills, notes, &c., XLIII. 67; see XLIII. 36, 34.

certain acts relating to suits against, &c., repealed, XLIII. 68.

foreign: may sue in this state like other nonresidents, XLIII. 88; attachments may issue against, and proceedings had in equity against their credits and effects as nonresidents, &c., XLIII. 88.

sureties to banks and bankers: their privileges and liabilities, though the contract state them to be principals, XLIII. 67.

penalties against banks and bankers: for taking more than six per cent. interest in certain cases, XLIII. 49; for circulating, &c., bank bills of other states or bills of banks of this state whose charter has expired or whose assets are in the hands of receivers, XLIV. 13, 14; and see XLIV. 116; for banking unauthorizedly and circulating unauthorized bank paper, XLIII. 121; embezzlements, frauds, &c., of directors, officers, agents, &c., XLIII. 50.

judgment on a warrant of attorney for confession of judgment in favor of a bank may be taken without giving the defendant previous notice, XLIII. 68; XL. 33, 34.

the law allowing a defendant to pay a bank in its notes on execution, judgment or decree, &c., repealed, XLIII. 68; XL. 33, 34.

altered bills to be redeemed, XLIII. 122.

unauthorized banking, what and how punished, XLIII. 121.

powers, duties, &c., of trustees of, &c., in case of their dissolution by expiration of their charter or otherwise, XLI. 52, 53; XLIII. 94, 95; XL. 72.

BANKS AND BANKING—Continued.

- acts relating to banks and bankers, &c., which are contained in volumes 40 to 45 of general laws, inclusive, which have been repealed by title: the act in XL. 55, entitled, "an act to punish crimes therein named and prevention of a fraudulent currency," passed March 7, 1842, is repealed in XLIII. 122.*
- the act in XL. 58, entitled, "an act supplementary to the act entitled an act further to amend an act providing for the appointment of the board of bank commissioners, and for the regulation of banks within the state of Ohio, and to enforce the resumption and continuance of specie payments by the banks within the state of Ohio," &c., passed March 7, 1842, is repealed in XLIII. 122.
- the act in XL. 66, entitled, "an act to amend an act entitled an act further to amend the act entitled an act to prohibit the issuing and circulating of unauthorized bank paper," &c., "and to repeal certain acts and parts of acts therein named," &c., passed March 7, 1842, is repealed in XLIII. 122.
- the act in XL. 67, entitled, "an act instituting proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and to provide for the regulation of corporations generally," passed March 7, 1842, is repealed (except the fourteenth section,) in XLIII. 95.
- the act in XL. 13, entitled, "an act further to amend the act entitled an act providing for the appointment of a board of bank commissioners and for the regulation of banks within the state of Ohio," &c., "and enforce the resumption and continuance of specie payments by the banks within the state of Ohio," passed February 18, 1842, is repealed in XLIII. 122.
- the act in XL. 33, entitled, "an act to amend the act entitled an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," &c., "and declare the meaning and intention of the ninth section thereof," passed March 5, 1842, is repealed, saving, &c., in XLIII. 68.
- the act in XL. 39, entitled, "an act to regulate banking in Ohio," passed March 7, 1842, is repealed in XLIII. 53.
- the act in XLI. 14, entitled, "an act to amend an act entitled an act further to amend the act entitled an act providing for the appointment of a board of bank commissioners, and for the regulation of the banks within the state of Ohio," &c., "and enforce the resumption and continuance of specie payments by the banks within the state of Ohio," &c., passed January 25, 1843, is repealed in XLIII. 122, and XLI. 77.
- the act in XLI. 28, republished, entitled, "an act to regulate banking in Ohio," passed March 7, 1842, is repealed in XLIII. 53.
- the act in XLI. 36, entitled, "an act to amend the act entitled an act to regulate banking in Ohio," passed February 21, 1843, is repealed in XLIII. 53.
- the act in XLII. 37, entitled, "an act to reduce the number of the board of bank commissioners," passed March 6, 1844, is repealed in XLIII. 122; see, also, XLI. 96.

BARLEY—

how many pounds deemed a bushel, XLV. 30.

BARS—

punishment for leaving down, &c., XLIV. 76.

BASTARDY—

putative father may be discharged by associate judge on recognizance, XLIII. 65.

how fees of sheriff for keeping putative father in jail paid, &c., and how putative father discharged from imprisonment in case the fees are not paid, XLIII. 65.

BENEVOLENT SOCIETIES—

mode of organizing, &c., so as to acquire corporate powers, XLIII. 70.

BILL IN CHANCERY—

See CHANCERY.

BILL OF EXCEPTION—

in what cases and when to be signed and sealed, XLIII. 80.

BILL OF INTERPLEADER—

may be filed by the treasurer of the county against claimants of certain moneys deposited to redeem land sold as forfeited to the State for taxes, XLIII. 124.

BILL OF LADING—

dealing with fraudulently, &c., how punished, and how far their persons protected, XLII. 49, 50.

punished for giving false warehouse receipt or bill of lading, or accepting or making same to defraud, &c., XLIV. 34; XLII. 50, 51.

BILL OF SALE—

intended as a mortgage and possession not given is void unless filed with, &c., XLIV. 61, 62.

BILLS OF BANKS—

as to the bills of the branches of the state bank under the act of 1845: how expense of plates and printing paid, XLIII. 32; where, when, to whom and in what payable, how signed, &c., XLIII. 32; by whom to be delivered to a branch and upon what condition, XLIII. 33; what amount may be put in circulation, XLIII. 32, 33; how circulation controlled by board of control, XLIII. 31; kind and denomination, &c., which they may issue, XLIII. 45, 32; how redeemed and paid, XLIII. 34 to 36, 45, 46; disposition, &c., of such as are defaced or mutilated, XLIII. 33; or altered, XLIII. 122; branches to receive bills of each other, XLIII. 45, 46.

as to bills of independent banks under the act of 1845: how plates, dies, &c., of bills kept and paid for, XLIII. 37, 38; their device, form, engraving, and by whom delivered to the banks, XLIII. 37; how redeemed and collected, XLIII. 39 to 42; forbid using for certain purposes, XLIII. 46, 47; kind and denomination which they may issue, XLIII. 45, 32; disposition, &c., of such as are defaced or mutilated, XLIII. 38; or altered, XLIII. 122; to receive the bills of each other, XLIII. 45, 46.

BILLS OF BANKS — *Continued.*

altered, to be redeemed by banks at their true amount, XLIII. 122.

penalties relating to : against certain persons and corporations circulating, &c., bills of banks of other states, or bills of banks of this state, whose charter has expired or whose assets are in the hands of receivers, XLIV. 13, 14; circulating unauthorized bank paper, XLIII. 121.

BILLS OF EXCHANGE—

in what cases no damages allowed on protested bills, XLIV. 69.

made or indorsed to banks, how sued upon, and the declaration, pleadings, bill of particulars, evidence, costs, and rights and liabilities of sureties, XLIII. 67.

suits on may be joint against all the original makers and indorsers, and the pleadings, evidence, defence and costs, XLVI. 72.

See ACTIONS.

BINDING—

the printed laws, &c., XLIII. 83.

the Ohio Reports, XLIII. 4.

BLACKS AND MULATTOES—

See NEGROES.

BLIND, ASYLUM FOR—

salary of superintendent, XLIV. 111.

when and how steward appointed and his salary, general powers and duties, XLIV. 111.

age and number of indigent pupils, and how long pupils to remain, and what to be taught XLI. 57, 58.

trustees of : number and term of office and how vacancies filled, XLIV. 111, 112; one to be president, XLIV. 111; to appoint a steward, XLIV. 111.

certain acts relating to boarding, appropriations and auction duties, &c., repealed, XLIV. 111.

BOARD OF COMMISSIONERS—

See COMMISSIONERS OF COUNTY, BANKS AND BANKING, &c.

BOARD OF CONTROL OF BANKS—

appointment, official bond and compensation, powers and duties, XLIII. 30 to 36, 52, 53;

to have powers of bank commissioners, under the fifth section of the act of 1845, to incorporate the state bank, XLIV. 8.

their proceedings when they think a banking company ought not to be admitted as a branch, XLIV. 8.

proceedings against the board for neglect to proceed against insolvent branch, XLIII. 35, 36.

BOARD OF EQUALIZATION OF COUNTY—

powers and duties of, &c., for 1846, XLIV. 102, 103; for 1847 and annually, XLV. 60, 61.

BOARD OF EQUALIZATION OF STATE—

powers and duties of, &c., for 1846, XLIV. 104, 105.

BOARD OF PUBLIC WORKS—

election, official oath and bond, term of office, how vacancies filled, reorganization of the Board, &c., and their general powers and duties, XLIII. 60; XLII. 75, 76; XL. 62.

special powers and duties: under general act relating to the national road, XLI. 86 to 94; see XLII. 73; salaries of collectors of state tolls, and gate keepers on national road, XLIV. 80; as to rates and collection of tolls on national road, XLIV. 80, 81; see XLIII. 89, 90; half gates on national road, XLIV. 119; appointment of resident engineers on national road, &c., XLIII. 89, contracts for repair of national road not to be made beyond one year, XLII. 73; (see National Road); to equalize, &c., tolls on certain turnpike roads, XLII. 44; the Maumee and Western Reserve Road, XLI. 102; bridge across Maumee river, &c., at Defiance, XLV. 21; bonds to be taken from disbursing engineers, agents, &c., XLIV. 125; the rents of water power of the State under leases theretofore made, XLIII. 68; the disbursement of the canal fund, XLIV. 123 to 125; the recording of leases deposited with the board, XLV. 54; the water power upon canal lands, XL. 75.

certain copies of papers, &c., from the office of the board made evidence XLV. 54.

how, when and where the acting commissioners of the board to issue checks on the treasurer of state, his schedule of checks issued and settlement with the commissioners of the canal fund, XLII. 75, 76.

salaries, XLIII. 63.

salary of the secretary of the board, XLII. 23.

act relating to the appointment, &c., of commissioners to examine proceedings, &c., of the board of public works, XLI. 1; XLIII. 55; XLIV. 116 to 119; XLIV. 15.

BOATS—

lien of mechanics for constructing, &c., XLI. 66.

in suit against, by name the officer need not seize until expenses of keeping, &c., are advanced — how items of expense returned and adjusted, and what fees allowed assistant of officer, XLI. 51, 52.

BOND—

See RECOGNIZANCE.

when free turnpike altered, XLIV. 6.

by treasurer of an original surveyed township, XLI. 62.

by commissioner of the canal fund, XLI. 50.

for state printing, &c., XLIV. 60, 61; see XLIII. 84.

by district assessor, XLIV. 94.

by township assessor, XLIV. 97.

by engineers, agents and disbursing officers, &c., on the public works of the state, XLIV. 125.

by the contractor who agrees to deliver the laws and journals into the several counties of the state, and suits thereon, &c., XLII. 32.

by receiver in chancery, XLIV. 51

when new official bond may be required from the clerks of courts, XL. 25.

by putative father of bastard child for his appearance, XLIII. 65.

BOND—Continued.

- of public officer, left with the auditor or treasurer of the county, or the clerk of the court of common pleas, to be recorded—and certified copies from the record made evidence, **XLII. 13.**
- how issued by the state to domestic creditors and to turnpike and canal companies, and general provisions for the payment of interest, &c., thereon, **XXI. 80 to 85, 97**
- upon an appeal*: when free turnpike relocated, **XLIV. 6**; under act relating to gamblers, **XLIV. 12.**
 - where one party to a suit in chancery appeals his separate part of the suit, **XLIII. 126.**
 - the condition of a certiorari bond, and by whom and where taken, **XLII. 45.**
 - by whom and how writ of error bond taken, and its effect, **XLIII. 81.**
 - who to direct the amount, condition, &c., of an injunction bond, **XLIII. 125, 126.**
 - when property taken on execution is claimed by a third person, what bond the plaintiff must give if he desires to sell the property on the execution, **XLV. 55.**

BOROUGH—

- licenses by, to sell liquors or to license houses of public entertainment, &c., **XL. 52.**
- meaning of the word "borough," and the tax law, **XLIV. 86.**

BRANCHES OF THE STATE BANK—

See **BANKS AND BANKING.**

BRIDGES—

- exempt from taxation, **XLIV. 86.**
- act authorizing the erection of, &c., across the Maumee river, &c., at Defiance, **XLV. 21.**

BRIGADES AND BRIGADE ENCAMPMENTS—

See **MILITIA.**

BROKERS AND MONEY DEALERS—

- who are, how licensed and taxed and mode of prosecuting, and the proof against those who engage in the business without a license, **XLIV. 128.**
- finest and penalties against*: for bringing into this State bills of the banks of other States, **XLIV. 13**; or circulating such bills of a less denomination than five dollars, unless, &c., or circulating, &c., bills of the banks of this State whose charters have expired, or whose assets are in the hands of receivers, **XLIV. 13**; who deemed brokers under the above penal laws, **XLIV. 14.**
- "act to tax money brokers," passed March 12, 1845, (**XLIII. 104.**) is repealed by **XLIV. 130.**

BURIAL GROUND—

- violation of, how punished, **XLIV. 77.**

CANADA THISTLE—

- how the introduction and spread of prevented, &c., **XLII. 37.**

CANAL COMPANIES—

penalties against for drawing off water at certain seasons of the year, XLIII. 17.

State bonds and certificates of State stocks granted to, XLI. 84, 97.
further subscription of State to, withheld, XL. 65.

CANAL COMMISSIONERS—

See BOARD OF PUBLIC WORKS.

CANAL FUND COMMISSIONERS OF STATE—

appointment of, vacancies, reorganization of the board and their general powers and duties, XLI. 54 to 57, 81.

their duties under the act for the settlement and payment of claims for work on the National Road, XLIV. 18; XLV. 28.

to act as commissioners of the sinking fund, XLI. 56.

their duties in regard to the canal fund and its receipt and disbursement, XLIV. 123 to 125; and see XLI. 55, 56.

to fix rate of rent in certain cases of water power of State, XLIII. 68.

powers and duties as to creditors of certain turnpike companies, XLV. 36.

their settlement, &c., with the acting commissioners of the Board of Public Works, XLII. 75; see XLIV. 125.

their general powers and duties as to borrowing and issuing, &c., State bonds to pay domestic creditors of the State, and their report thereon, XLI. 80, 83.

how to pay the State bond, XLI. 82, 83.

as to their issuing bonds or certificates of stock to turnpike companies, &c., in which the State is a stockholder, XLI. 84.

mode of raising money to provide for certain debts on the public works of the State, XLIV. 119, 120.

mode of raising money to pay temporary loans of State by issuing stock and selling same, &c., XL. 63.

duties as to claims for work on the Wabash and Erie canal, XLIV. 120; XL. 63, 64.

commissioners to examine their accounts, &c., XLIII. 97, 98.

compensation of the acting canal fund commissioners, XLII. 22.

salary of their clerk, XLII. 23.

CANAL LAND—

laws relating to appraisement, sale, &c., generally, XLI. 25; XL. 72; XLV. 31.

price at which to be sold and to whom to be sold, XLV. 31.

may be paid for in certain bonds, &c., of the State, XLI. 83; XL. 64.

how pledged to pay certain bonds, &c., of the State, XLI. 80.

how the title of the State to Wabash and Erie Canal lands proved, XLI. 51.
trespassers upon public lands, XL. 57.

CANALS—

navigation of by rafts or floats of round and unhewn timber, XL. 38; XLIV. 32, 67.

disposition of State stock, &c., in the Milan Canal Company, XLIV. 36.

to whom tolls on to be paid, and the account of tolls XLIV. 123.

See BOARD OF PUBLIC WORKS. CANAL COMPANIES. MIAMI EXTENSION CANAL.

CANNON—

Penalties for firing upon or near a street or highway, XLIII. 17.

CAPIAS AD RESPONDENDUM—

when issued by a justice of the peace against two or more, how served and returned, &c., XLIV. 48.

may be issued against a debtor who is about to remove his person out of the State or county with intent thereby to defraud his creditors; but cannot be issued if the debtor is merely about to remove his body out of the jurisdiction of the court, XLI. 28.

CARRIAGES—

how listed, &c., for taxation, XLIV. 90.

CARRIER, COMMON—

how punished for accepting, &c., false bill of lading or receipt, &c., before the goods are received on board with the intent to defraud, &c., XLII. 50, 51.

in suits against their craft by name, how payment of expenses of keeping the boat provided for, &c., XLI. 51, 52.

CASE, ACTION ON THE

for what injuries to the person, property, &c., case may be brought, although the injury be immediate, &c., XLII. 72.

CATTLE—

how listed, &c., for taxation, XLIV. 90.

CELLS—

act regulating, &c., jails, XLI. 74 to 76.

CEMETERY—

opening, or removing dead body, without leave, &c., how punished, and mode of proceeding for the offence, XLIV. 77.

CENSUS—

See **CLERKS OF SCHOOL DISTRICTS. GOVERNOR. CLERKS OF COURTS.**

CERTIORARI—

condition of certiorari bond, and by whom and when to be taken, XLII. 45.
in what cases allowed upon prosecutions before justices for misdemeanors, &c., XLII. 72.

CHANCERY—

jurisdiction: to remove and control trustees of dissolved corporations, and to supply vacancies created by the removal, XLI. 53; see XLIII. 95; to prevent a husband from selling or squandering the property of the wife, XLIV. 115; to aid a creditor of a turnpike company in which the State is a stockholder, in obtaining payment of his debt, XL. 37, 38; to subject credits of a foreign bank to the payment of its debts, XLIII. 88; to close independent banks under act of 1845, which reduce their capital stock by making dividends, XLII. 41; discovery and relief by the owner of goods, consignee, &c., against factor or agent for fraudulent disposition of goods, XLII. 50; power over infants' estates, &c., reserved, XLIV. 59; bill of interpleader by county treasurer when there are different claimants of money deposited to redeem land forfeited for taxes, XLIII. 124; proceedings against turnpikes, XL. 37.

CHANCERY — *Continued.*

- heirs and devisees, or part of them who are unknown, how made parties to a bill, and the affidavit in such case, XLIII. 124, 125.
- order of notice by court to unknown heirs or devisees who are made parties defendants to a bill, XLIII. 124.
- answer is not evidence for the defendant, unless the bill calls for an answer under oath, XLIII. 125.
- when the court may order chancery cases to be first tried, XLIV. 28.
- upon a creditor's bill against a bank the officers, &c., of a bank made competent witnesses for the complainant, XLIII. 67.
- how decrees in, against school districts collected, XLIV. 114; XLI. 50.
- how decree in favor or against a dissolved corporation enforced, XL. 51, 52, 63.
- how rights of a purchaser under a sale or decree that is invalid protected, XLIV. 114.
- nature, &c., of a decree when an injunction is dissolved which enjoined a sale or levy upon particular property by execution, XLIII. 125, 126.
- decree for rents in dower may be enforced by execution, XLI. 6.
- sales of land in Hamilton county under decrees to be made by the sheriff, XLI. 73.
- an appeal may be taken by any party of his separate part of a suit, and court to direct the amount, &c., of the appeal bond in such case, XLIII. 126.
- how venue changed when judges of common pleas interested, XLIII. 81.
- injunction in:* notice to be given of application for, XLIV. 51; who may allow, when, and when an allowance to be accompanied with an order as to the amount and condition of the injunction bond, XLIII. 125, 126; see XLIV. 51; may be allowed to prevent husband from selling or squandering the wife's property, XLIV. 115; how enforced and how disobedience to. punished, XLIII. 125; see Swan's Stat. 712, 713; may be granted to prevent the Board of Control from proceeding against a branch of the State Bank on the ground that such branch is insolvent, XLIII. 35, 36; the amount of the bond and the decree upon a dissolution of an injunction to stay the sale, or to enjoin a levy upon particular personal property, and new execution in such case, XLIII. 125-6.
- injunction bond in:* who to direct amount and condition of, and when, XLIII. 125, 126.
- master commissioner in:* vacancy in office of, how filled in Scioto county, XLIII. 71; sheriff of Hamilton county to act as such in the sale of lands, XLI. 73; when to act as commissioner of insolvents, XLIV. 50.
- receiver in:* notice to be given of application for, XLIV. 51; in what cases and by whom appointed, and their oath, bond, powers and duties, XLIV. 51; XLIII. 126; listing property for taxation, XLIV. 88; how compelled to pay taxes on property, XLV. 64; appointment of, in a suit by a creditor against a turnpike company in which the State is a stockholder, XL. 37, 38.

CHAPLAIN TO BRIGADE—

- how appointed and rank, XLIV. 63.

CHARGE OF COURT—

- in relation to jails. XLI. 75.

CHIEF CLERK OF AUDITOR'S OFFICE—

salary, XLIV. 126; XLII. 22.

CHILDREN—

See GUARDIANS.

CHRISTIAN NAME—

mistake in the name of a party to a suit not to abate it, and how the mistake corrected, XLIII. 114.

when initial letter of the christian name, or the contraction of the christian name may be used in suits, XLIII. 114, 115.

CHURCHES—

exempt from taxation, XLIV. 86.

See RELIGIOUS SOCIETIES.

CIRCLEVILLE BANK—XLIII. 51.**CIRCUITS OF COURTS OF COMMON PLEAS—**

the sixteenth circuit created, and others changed, XLIII. 21, 102.

CITATION—

requisites and form, &c., of citation on writ of error from the supreme court, XLIII. 81.

CITY—

meaning of the word in the tax law, XLIV. 86.

forbid to license houses of entertainment or the sale of liquor, XL. 52; see XLIV. 107.

amount of per centum of tax in, how limited, XLV. 66; see XLIV. 107.

CLAIMANT OF PROPERTY TAKEN ON EXECUTION—

sheriff to sell the property if indemnity bond given, though the jury decide in favor of the claimant, XLV. 55.

appeal allowed from judgment on the trial of the right of property taken by a constable on execution, XLIII. 57.

CLERK OF WAREHOUSEMEN—

who gives false warehouse receipt how punished, XLIV. 34.

CLERKS OF COURTS—

powers and duties, &c., common to the clerks of the supreme court and court of common pleas: when additional official bond required from, &c., XL. 25.

their power to administer oaths, XLIV. 64.

as to keeping cash book, XLII. 25; XLIII. 123; XL. 25.

as to their reappointment as clerks or as deputy if they resign to make a vacancy, or are removed for that purpose, XLIV. 64.

may omit to make record in certain cases unless, &c., and not to record depositions, XLII. 47.

powers and duties of clerks of the court of common pleas: as to licenses, &c., to pedlers, XLIV. 82, 83; to brokers, XLIV. 128; as to writs of

(CLERKS OF COURTS — Continued.)

(powers and duties of clerks of the court of common pleas — continued.)

error from the supreme court, XLIII. 81; as to collection, &c., of costs in cases of conviction to the penitentiary, XLII. 30; as to certifying to the secretary of state that the contractor for the delivery of the laws, journals, &c., failed to deliver the same, XLII. 32; as to keeping a book for, and recording the bonds of public officers left for safe keeping and certifying copies from such record, XLI. 13; to report to auditor of state, annually, and transmit, &c., certain costs, XL. 25; the record of proceedings to change the names of persons, towns and villages, XL. 29; to make return of the state census, XLII. 3; cannot be appointed an administrator unless next of kin, XLIV. 64; as to keeping cash book, XLII. 25; XLIII. 123; XL. 25.

penalties, &c., against: for neglecting to make out and forward certain abstracts of votes on the certificates of certain elections, XLIV. 33; not forwarding the return of the Governor's election, XLI. 46; not performing the duties required by the act creating the office of township assessor, or not returning census, XLII. 1.

fees under the "retrenchment law," XLII. 21; see XLIII. 123; XL. 25.

duties of the clerk of the supreme court as to writs of error, and the bond and security in such cases, XLIII. 80, 81.

CLERKS IN THE STATE AND OTHER PUBLIC OFFICES—

salaries, XLIV. 126; XLII. 22.

CLERKS OF DIRECTORS OF POOR HOUSES—

entitled to a copy of the general laws, xiv. 48.

CLERKS OF THE GENERAL ASSEMBLY—

compensation of the clerks and their assistants, XLV. 20.

CLERKS OF SCHOOL DISTRICTS—

how to elect a county superintendent of common schools, XLV. 33.

general duties as to taking an enumeration of youth and how duties enforced, XL. 49, 50.

returns of enumeration by, when a district is composed of parts of different counties, XLI. 59.

CLERKS OF TOWNSHIPS—

powers, duties and fees in respect of filing, &c., mortgages of personal property, XLIV. 61, 62.

to notify county auditor that township assessor has qualified, XLIV. 97.

duties as to making out abstract of enumeration of youth and fees and penalties, XL. 49, 50.

CLINTON BANK OF COLUMBUS—XLIII. 51.**CLOVER SEED—**

weight of per bushel, XLII. 7.

COFFEE HOUSES—

See TAVERNS.

COIN—

counterfeits, which may be melted and sold by county commissioners, XLIII. 16.

COLLECTORS OF TOLLS—

See NATIONAL ROAD.

their salaries, XLIV. 80.

when those on canals to report, and to pay over to Auditor of State receipts of tolls, XL. 64, 65.

penalties against for circulating, &c., bills of banks whose charter has expired, or whose assets are in the hands of receivers, XLIV. 14, 116.

COLUMBIANA BANK OF NEW LISBON—XLIII. 50.

COMMANDANTS OF BRIGADES—

to report any credit given on a bond or receipt for public arms which are injured, &c., XLIV. 63.

to fix the time of brigade encampments, XLIV. 63.

when to give notice of, and hold court of appeals, XLIV. 63.

may appoint brigade chaplain and surveyor, XLIV. 63.

COMMANDANTS OF DIVISIONS—

to report to the Adjutant General credits allowed on account of arms which are injured, &c., XLIV. 63.

COMMISSIONER OF INSOLVENTS—

when master commissioner in chancery to act as, XLIV. 50.

to sell certain choses in action of the insolvent debtor, XLIV. 50.

not entitled to a room in the public buildings, XLV. 26.

may have insolvent debtor's real estate reappraised after being offered for sale, XLI. 15.

COMMISSIONERS OF THE CANAL FUND—

appointment of, vacancies, reorganization of the board and their general powers and duties, XLI. 54 to 57, 81.

their duties under the act for the settlement and payment of claims for work on the national road, XLIV. 18; XLV. 28.

to act as commissioners of the sinking fund, XLI. 56.

their duties in regard to the canal fund and its receipt and disbursement, XLIV. 123 to 125; and see XLI. 55, 56.

to fix rate of rent in certain cases of water power of State, XLIII. 68.

powers and duties as to creditors of certain turnpike companies, XLV. 36.

their settlement, &c., with the acting commissioners of the Board of Public Works, XLII. 75; see XLIV. 125.

their general powers and duties as to borrowing and issuing, &c., State bonds to pay domestic creditors of the State, and their report thereon, XLI. 80, 83.

how to pay the State bonds, XLI. 82, 83.

as to their issuing bonds or certificates of stock to turnpike companies, &c., in which the State is a stockholder, XLI. 84.

mode of raising money to provide for certain debts on the public works of the State, XLIV. 119, 120.

mode of raising money to pay temporary loans of State by issuing stock and selling same, &c., XL. 63.

COMMISSIONERS OF THE CANAL FUND—Continued.

- duties as to claims for work on the Wabash and Erie Canal, XLIV. 120;
 XL. 63, 64.
 commissioners to examine their accounts, &c., XLIII. 97, 98.
 compensation of the acting canal fund commissioners, XLII. 22.
 salary of their clerk, XLII. 23.

COMMISSIONERS OF THE COUNTY—

their compensation, XLII. 23.

powers and duties relating to taxes: for roads for 1846, at special meeting in certain counties, XLIV. 110, 111; to pay salary of county superintendent of common schools, XLV. 32; to pay interest on county debt, XLV. 38; for roads in certain counties, XLV. 59, 60; for school purposes, XLV. 64; as to remitting, &c., taxes upon property destroyed, XLI. 50.

powers and duties as to roads: to lay out and establish State roads, XLIV. 73; to change a free turnpike into a State road, XLIV. 74; to establish county roads on the boundary line of the State, thirty feet wide, XLI. 58; establishing and reducing the width of county roads, XLII. 18; as to allowance for the value of stone, timber or gravel taken by a supervisor of roads to repair a road, XL. 37; appeal to, as to the relocation, &c., of a free turnpike road, XLIV. 6.

powers and duties as to appointment, filling vacancies and removal of officers: commissioners of free turnpikes, XLIII. 108; assessors for 1846, XLIV. 94, 110; vacancies in office of director of poor house, XL. 35.

miscellaneous powers and duties: as to subscribing for the stock of a corporation, XLIV. 82; selling, &c., counterfeit coin and stolen goods and instruments for counterfeiting, XLIII. 16; as to the establishment of the true meridian, XLIII. 75; as to criminals sentenced to hard labor in the county, XLIII. 79; XLIV. 9; as to authorizing assistant clerks to be employed in the offices of the recorder, treasurer, and auditor of the county, XLIII. 123; as to ordering county or township officers to keep cash books, XLIII. 123; the salary of the county superintendent of common schools, XLV. 32; as to remission of fines, debts, &c., XLI. 85; XLV. 49; in proceedings to establish roads, drains, ditches, railways or tunnels to mines, lakes, swamps, quarries, &c., in certain counties, XLV. 50, 51; as part of a board for the equalization of the value of real estate for taxation, XLV. 60, 61; under the "retrenchment law" of 1844, XLII. 25, 26; XLIII. 123; the allowance of fees to attorneys for defending pauper criminals, XLII. 28; providing furniture, &c., for jail, and appointing physician, &c. XLI. 76; as to allowing for services to the county generally, XLI. 85; as to employing a person to collect fines, claims, &c., due to the county, XLI. 85; as to appropriations for teachers' institutes, XLV. 67; see Swan's Stat. 890.

COMMISSIONERS to examine proceedings of the canal fund commissioners—
 appointment, powers, duties, &c., XLIII. 97.

COMMISSIONERS OF FREE TURNPIKES—

- their powers, duties, &c., XLIII. 106 to 108.
 the duties, &c., of commissioners to review and relocate free turnpikes,
 XLIV. 6.

COMMISSIONERS to take depositions, acknowledgment of deeds, &c.—
may be appointed in other States; their powers and duties, &c., defined,
XLII. 5.

COMMISSIONERS OF THE STATE LIBRARY—
who to act, and their powers and duties, XLIII. 58, 59.

COMMISSIONERS OF SEWERS—
the act providing for the appointment of commissioners of sewers in cer-
tain counties, XLIV. 133.
how drains, &c., established through lands of others, to a mine, swamp,
&c., XLV. 50, 51.

COMMISSIONERS to review free turnpikes—
powers and duties, &c., XLIV. 6.

COMMISSIONERS to examine the proceedings of the Board of Public
Works—
appointment, organization, powers and duties generally, XLIII. 55; their
sessions, and how to compel witnesses to attend and to testify, XLIV. 1;
appropriation for the payment of, XLIV. 15; duties and powers relating
to the settlement and payment of claims for work on the National Road,
XLIV. 116 to 119.

COMMISSIONERS to organize banks under act of 1845—
appointment, term of office, &c., and general duties, XLIII. 26, 28, 29; see,
also, XLIV. 8; compensation, XLIII. 53; how to organize state bank, XLIII.
30, 31; how far powers of transferred to board of control, XLIV. 8.

COMMISSIONERS OF THE SURPLUS REVENUE—
appointment, &c., under former laws, XLIII. 77.
county auditor and treasurer to act as such, and their powers, duties, and
fees, XLIV. 68, 69.
suits against, XLIII. 69; XLV. 32.
how they may relieve the borrowers of the surplus revenue, and when
to pay over the funds, XLIII. 72; see, also, XLI. 81, 82.

COMMISSIONS—
duration of in the militia, XLI. 100.

COMMON CARRIERS—
how punished for accepting, &c., false bill of lading or receipt, &c., before
the goods are received on board, with the intent to defraud, &c., XLII.
50, 51.
in suits against their craft by name, how payment of expenses of keeping
the boat provided for, &c., XLI. 51, 52.

COMMON PLEAS—
See COURTS.

COMMON SCHOOL FUND—
See SCHOOL FUND.

COMMON SCHOOLS—

See **SCHOOLS**.

COMPANIES—

See **PARTNERSHIPS**. **MANUFACTURING COMPANIES**. **CANAL COMPANIES**.

COMPLAINT—

See **AFFIDAVIT**.

CONGRESSIONAL DISTRICTS—

general act relating to, and time of elections, &c., **XLI**. 70.
change of certain districts, **XLIII**. 96.

CONSIGNEE OF GOODS—

advancements, &c., made by, on goods, how protected, **XLIV**. 35; **XLII**. 49.

CONSIGNOR OF GOODS—

when deemed the real owner of goods, **XLII**. 49.
how punished for disposing of goods in fraud of advancements made to him by the consignee, **XLIV**. 35; **XLII**. 49.
how far advancements made on goods by third persons protected, and consignor protected from the frauds of agents, common carriers, &c., **XLII**. 49 to 51.

CONSTABLE—

when a justice of the peace may appoint, **XLIV**. 48.
how to execute and return process: the warrant under the act relating to gamblers and gambling, **XLIV**. 11, 12; a writ of replevin, **XLIV**. 42; **XLV**. 55; when the process in a civil action is against two or more defendants, **XLIV**. 48; **XLV**. 52; when a subpoena is issued for witnesses to appear before the township assessor, **XLIV**. 99; in cases of forcible entry and detainer, **XLIII**. 7; in suits for penalties against persons for firing cannon or exploding gunpowder near or upon a street or public highway, **XLIII**. 18; in proceedings under the act regulating the sale of intoxicating liquors in certain counties, **XLV**. 41.
powers, duties, and liabilities in proceedings in actions of replevin before justices of the peace, **XLIV**. 42.
powers, duties, &c., in actions of forcible entry and detainer, before justices of the peace, **XLIII**. 7.
to inform and prosecute offences under the act relating to gamblers and gambling, **XLIV**. 12.
fees: in cases of forcible entry and detainer, **XLIII**. 7; for taking charge of a prisoner at an examining court, and testifying as a witness before the same, **XLV**. 53.
who to pay fees in criminal cases, **XLIII**. 63, 64. See **XL**. 53.

CONTEMPT—

how injunction of a court of chancery enforced and disobedience punished, **XLIII**. 125. See **Swan's Stat.** 712, 713.

CONTRACTS—

for convict labor in the penitentiary, **XLIV**. 54; **XLIII**. 127.
made with public officers and servants for the deposit of public moneys, when void, &c., **XLIV**. 113.

CONVEYANCE —

See DEED — ASSIGNMENT — MORTGAGE —

CONVICTS IN PENITENTIARY —

how those who are insane provided for, XLIII. 73.
contracts for their labor, &c., XLIV. 54; XLIII. 127.

COPARTNERS —

See PARTNERSHIPS.

COPIES —

when evidence and how authenticated: mortgages of personal property filed with the township clerk or recorder of the county, XLIV. 62; field notes, maps, documents, &c., in the office of the Secretary of the State of Ohio, relating to public lands in Ohio which came from the surveyor of the United States, XLIV. 65; the proceedings of a meeting appointing trustees of any literary, scientific, odd-fellow or other benevolent association, XLIII. 70; accounts, papers, &c., of the office of the Board of Public Works, XLV. 54; the official bonds of public officers, recorded by the auditor or treasurer of the county or the clerk of the court of common pleas, XLI. 13; certified copy of the record of a deed taken from the record of any county in the State, may be recorded in the county where the land is situate, and a certified copy from the last copy made evidence, &c., XLII. 77.

CORONER —

when acting as sheriff he may appoint deputies — the power and duties of such deputies, XLIV. 52.

CORPORATIONS —

See BANKS AND BANKING.

appointment, powers and duties of trustees of dissolved corporations, and suits by and against such trustees, XLIII. 94, 95; XLI. 52, 53.

what stock of, &c., taxed, &c., XLIV. 85 to 90; who and in what name to list their property for taxation, XLIV. 88, 89, 108, 109.

penalties against for circulating, &c., certain bank bills, XIV. 13, 14.

mode of organizing, &c., literary, religious, scientific, odd-fellow and other benevolent societies, so as to acquire corporate powers, XLIII. 70; XLII. 69.

See RELIGIOUS SOCIETIES — SCIENTIFIC SOCIETIES, &c., &c.

reorganization of certain societies which were incorporated but failed to elect officers, &c., or who reorganize under the general law, XIV. 79, 80.

proceedings against, by quo warranto: to be prosecuted by the Attorney General, and in what county, XLIV. 46, 47; upon judgment of ouster or forfeiture how their affairs settled, and suits brought by the assignee of claims not negotiable, XLIII. 94, 95; judgment when a corporation has misused a franchise or exercised one it did not possess, or has forfeited or surrendered its franchises XLIII. 94.

“an act instituting proceedings against corporations not possessing banking powers and the visitatorial powers of courts, and to provide for the regulation of corporations generally,” (40 v. Stat. 67,) passed March 7, 1842, was repealed March 12, 1845, (XLIII. 95,) except the 14th section. See BANKS AND BANKING.

CORPSE—

removing, &c., how punished, XLIV. 77.

CORRECTION, HOUSE OF—

how escheated property in Cincinnati appropriated for the erection of, XLV. 45.

COSTS—

who to pay: in actions of replevin, when the appraised value of goods is less than one hundred dollars, XLIV. 42; when jury case before a justice of the peace is appealed, XLIII. 57; XLIV. 64; in suit on the bond of an executor or administrator for not filing an account, XLIV. 76, 77; in criminal cases before a justice of the peace, XLIII. 63, 64; XL. 53; in cases of conviction and sentence to the penitentiary, XLII. 30; upon habeas corpus, XLV. 47, 48; depositions used upon an impeachment before the House of Representatives, XLII. 39; when separate actions are brought against the makers and indorsers of negotiable instruments, XLII. 72; upon petitions for dower, XLI. 7; upon judgments recovered for defalcations in the school fund, canal tolls, &c., XLL 97; in proceedings to change the names of persons, towns and villages, XL. 29; when a committee examines the books, &c., of the county auditor and county treasurer, XLV. 42, 43; in suits on claims not negotiable assigned by a dissolved corporation, XLIII. 94, 95; in prosecutions for bringing paupers or lunatics into a township or county, XLIII. 78; when the bills of a bank are protested, XLIII. 41.

in cases of conviction and sentence to the penitentiary: how collected by execution, &c., and preliminary proceeding, &c., before being certified by the Warden of the penitentiary or paid out of the State treasury, XLII. 30; report of the clerk of the court to the Auditor of State, and of the prosecuting attorney to the clerk of the court, respecting the costs in such cases, XL. 25.

items of: in cases of appeal to the common pleas from the judgment of a justice where the cause was tried by a jury before the justice, XLIII. 57; in proceedings upon a habeas corpus, XLV. 47; for assisting an officer in keeping, &c., watercraft taken in a suit against the watercraft by name, XLI. 52.

security for: by foreign guardian, XLIV. 58, 59; in suits in the partnership name only, XLIV. 66; in criminal cases before a justice of the peace, XL. 53; in suits brought upon a claim not negotiable assigned by a dissolved corporation, XLIII. 94, 95; when the plaintiff before a justice renders, from the township in which the suit is brought, XLV. 52.

advancement of costs, &c., in suits against watercraft by name, XLI. 51, 52. collection of costs against school districts in certain cases, XLIV. 114; XLI. 59. when a justice of the peace may issue an execution for costs, XLIII. 120; see Swan's Stat. 406.

prosecuting attorney, sheriff and clerk, to keep cash books, &c., of moneys received officially, XL. 25; see XLII. 25; XLIII. 123.

COUNTERFEIT COIN—

may be melted and sold by the county commissioners, XLIII. 16.

COUNTERFEITING INSTRUMENTS—

may be mutilated and sold by the county commissioners, XLIII. 16.

COUNTIES—

who may sign petition for, and remonstrance against the erection of a new county, and the mode of petitioning, and the proofs, &c., XLII. 46.

COUNTY AUDITOR—

mode of appointing a committee to examine the books, &c., of the auditor, and the powers and duties of such committee, XLV. 42, 43.

his employment of assistants, and the salary of such assistants, XLIII. 123. effect of not keeping his office at the county seat, XLII. 77.

powers and duties of: when statement, &c., of taxable property has not been sworn to by the owner, &c., or when the owner, &c., is unavoidably prevented from making list, XLIV. 102; XLV. 62, 63; as to adding to list of property what is omitted, and correcting errors, &c., XLIV. 102; XLV. 63; as to the listing, valuing, &c., property for the year 1846, XLIV. 102, 103; as to correcting valuation, &c., of property, XLIV. 108; XLV. 63; as to statement of moneys received under the act taxing brokers, XLIV. 130; as to making out duplicate or full schedule of all taxable property, &c., XLIV. 105 to 107; XLV. 63; as to transmitting abstracts to the auditor of state, and the forms thereof, XLV. 64; when land upon which taxes have been actually paid are returned delinquent, XLIII. 1; as to issuing orders for certain costs in criminal cases before justices, XLIII. 63, 64; as to publication of variations of the true from the magnetic meridian, XLIII. 75; as to orders drawn by the directors of the poorhouse for provisions, &c., XLIII. 100; as to road taxes to be applied to free turnpikes, and fees, XLIII. 107; as to advertising lists, sale, and redemption of lands forfeited for taxes, XLIII. 124; XL. 4 to 6; XLV. 64; as to advertising and selling land delinquent or forfeited for taxes, when the taxes are not double the cost of advertising, XLV. 64; when and how to prepare list and advertise lands delinquent for taxes, XLII. 27; to send a newspaper containing list of forfeited and delinquent lands to the auditor of state, with copy of publisher's bill, XLIV. 70; as to suits against the fund commissioners of the surplus revenue, XLV. 32; as to including school land under lease in the list of land liable to pay district school tax, XLII. 61; generally, under the "retrenchment law" of 1844, XLII. 25, 26; see XLIII. 123; XLII. 43; as to keeping cash books, XLIII. 123; XLII. 25, 26; as to giving notice relating to the election and support of a county superintendent of common schools, XLV. 32, 33; as to the enumeration of youth, XL. 50, 51; as to distribution of the school fund when a district is composed of parts of different counties, XLII. 59; as to apportioning school fund generally, XL. 50, 51; as sealer of weights and measures, XLIV. 55 to 57; as one of the board for equalizing the valuation of property for taxation, XLV. 60, 61; as commissioner of the surplus revenue, XLIV. 68, 69; as to drawing orders in favor of agricultural societies, XLIV. 71; as to licenses of pedlers, XLIV. 82, 83; when there is a vacancy in the office of township assessor, XLIV. 97; as to amount to charge for the exhibition of shows, XLV. 43; may contract for publication of the general laws in newspaper of county, if, &c., and duties in such case, XLII. 82; to record in a book the bonds of public officers which have heretofore or may hereafter be lodged with him for safe keeping, and to give certified copies therefrom, XLII. 13.

as to his deducting tax on property destroyed, XLII. 50.

relieved from duty of commissioner of insolvents, XLIV. 50.

COUNTY AUDITOR — *Continued.*

fees and compensation: generally, XLII. 24; see, also, XLIII. 123, as to keeping "cash books"; as fund commissioner of surplus revenue, &c., XLIV. 68; XLV. 32; application, &c., of road taxes to free turnpikes, XLIII. 107.

penalties against: for not performing certain duties relating to the state census, XLII. 1; under the "retrenchment law" of 1844, XLII. 25; see XLIII. 123; for neglect of duty in relation to the enumeration of youth annually, XL. 50.

COUNTY BOARD OF EQUALIZATION—

powers and duties of for the year 1846, XLIV. 102, 103; for 1847 and annually, XLV. 60, 61.

COUNTY COMMISSIONERS—

their compensation, XLII. 23.

powers and duties relating to taxes: for roads for 1846, at special meeting in certain counties, XLIV. 110, 111; to pay salary of county superintendent of common schools, XLV. 32; to pay interest on county debt, XLV. 38; for roads in certain counties, XLV. 59, 60; for school purposes, XLV. 64; as to remitting, &c., taxes upon property destroyed, XLI. 50.

powers and duties as to roads: to lay out and establish State roads, XLIV. 73; to change a free turnpike into a State road, XLIV. 74; to establish county roads on the boundary line of the State, thirty feet wide, XLI. 58; establishing and reducing the width of county roads, XLII. 18; as to allowance for the value of stone, timber or gravel taken by a supervisor of roads to repair a road, XL. 37; appeal to, as to the relocation, &c., of a free turnpike road, XLIV. 6.

powers and duties as to appointment, filling vacancies and removal of officers: commissioners of free turnpikes, XLIII. 108; assessors for 1846, XLIV. 94, 110; vacancies in office of director of poor house, XL. 35.

miscellaneous powers and duties: as to subscribing for the stock of a corporation, XLIV. 82; selling, &c., counterfeit coin and stolen goods and instruments for counterfeiting, XLIII. 16; as to the establishment of the true meridian, XLIII. 75; as to criminals sentenced to hard labor in the county, XLIII. 79; XLIV. 9; as to authorizing assistant clerks to be employed in the offices of the recorder, treasurer, and auditor of the county, XLIII. 123; as to ordering county or township officers to keep cash books, XLIII. 123; the salary of the county superintendent of common schools, XLV. 32; as to remission of fines, debts, &c., XLI. 85; XLV. 49; in proceedings to establish roads, drains, ditches, railways or tunnels to mines, lakes, swamps, quarries, &c., in certain counties, XLV. 50, 51; as part of a board for the equalization of the value of real estate for taxation, XLV. 60, 61; under the "retrenchment law" of 1844, XLII. 25, 26; XLIII. 123; the allowance of fees to attorneys for defending pauper criminals, XLII. 28; providing furniture, &c., for jail, and appointing physician, &c. XLI. 76; as to allowing for services to the county generally, XLI. 85; as to employing a person to collect fines, claims, &c., due to the county, XLI. 85; as to appropriations for teachers' institutes, XLV. 67; see Swan's Stat. 890.

COUNTY FUND COMMISSIONERS of the surplus revenue —

appointment, &c., under former laws, XLIII. 77.

county auditor and treasurer to act as such, and their powers, duties, and fees, XLIV. 68, 69.

suits against, XLIII. 69; XLV. 32.

how they may relieve the borrowers of the surplus revenue, and when to pay over the funds, XLIII. 72; see, also, XLI. 81, 82.

COUNTY ROADS—

See **ROADS**.

COUNTY JAIL—

See **JAIL**.

COUNTY SEAT—

who may sign petition for, and remonstrance against a change of the county seat, and the requisites of such petition, &c., and the proofs to accompany it, XLII. 46.

COUNTY TREASURER—

powers and duties: under the "retrenchment law" of 1844, XLII. 25, 26; in the appointment of township assessor, XLIV. 97; in the payment of taxes collected for State purposes, XLIV. 120, 121; in the payment of moneys received from sections 16 and 29, XLIV. 121; in the payment of moneys received from brokers, XLIV. 130; in the payment of the surplus revenue to the Treasurer of State, XLV. 32; see XLIII. 72; in the payment of orders for supplies, &c., for the poor house, XLIII. 100; as to suits against the fund commissioners of the surplus revenue, XLV. 32; as to enforcing payment of taxes against administrator, receiver, guardian, &c., XLV. 64; as to attendance in townships to receive taxes, XLV. 64; as to attendance at county seat to receive taxes, XLI. 4; distraining for taxes, XLII. 62; XLIII. 1; XLI. 5; when to settle with the county auditor and the Treasurer of State, XLI. 5; (see as to Hamilton county, XLIV. 121;) as to recording the official bonds of officers and copies from the record, XLI. 13; to sue officers for not forwarding the returns of the election of Governor, XLI. 46.

penalties against: for circulating, &c., the bills of banks whose charters have expired or whose assets are in the hands of receivers, XLIV. 14, 116; for returning land delinquent when the taxes have been paid to him, XLIII. 1; see XLII. 62; for not making within the proper time a settlement with the Auditor of State, XLI. 5.

to act (except in Gallia county) as fund commissioner of surplus revenue, and powers, duties, &c., as such, XLIV. 68, 69.

when the treasurer of Hamilton county to settle with the Auditor of State, XLIV. 121.

when lands returned delinquent and tax receipt produced what to do, XLIII. 1; see XLII. 62.

effect of not keeping office at the county seat, XLII. 77.

employment and salary of assistants, XLIII. 123.

how to dispose of money deposited to redeem land forfeited for the nonpayment of taxes and sold, XLIII. 124.

COUNTY TREASURER— *Continued.*

mode of appointing a committee to examine his books, and the powers and duties of such committee, XLV. 42, 43.

may sue predecessors, XLII. 62.

compensation: XLII. 24; when taxes not paid until after the 20th December, XLI. 5; for paying over surplus revenue to the Treasurer of State, XLV. 32.

COURTS— See APPEAL, CHANCERY, ERROR, WRIT OF.

the court in bank: when to be held twice in each year, XLIII. 80.

the law providing for its session twice in each year suspended for the years 1846 and 1847, XLIV. 5; XLV. 6.

when arguments to be oral and when written, XLIII. 81.

may establish rules for the admission of certain documentary and written evidence, XLIII. 115.

when equally divided in opinion in capital or penitentiary cases, the judgment below must be reversed, XLII. 52.

the supreme court: appellate jurisdiction, &c., taken away, XLIII. 80.

terms of: for 1842, XL. 7, 8; for 1843, XLI. 7 to 9, 53; for 1844, XLII. 9 to 12; for 1845, XLIII. 9, 99; for 1846, XLIV. 4; for 1847, XLV. 1.

when term may be continued beyond time fixed by law, and when no court held, or there is not time to dispose of cases, by consent cases may be taken to another county, *Id. ib.* and XLIII. 11.

the courts of common pleas: bills of exception in, generally, XLIII. 80; writs of error in, generally, XLIII. 80, 81; mode of proceeding when judges not disinterested in cause, XLIII. 81.

terms of: 1st circuit, for the year 1842, XL. 9, 32; for 1843, XLI. 16, 56; for 1844, XLII. 12; for 1845, XLIII. 11, 19; for 1846, XLIV. 20; for 1847, XLV. 7.

2d circuit, for the year 1842, XL. 9; for 1843, XLI. 16: for 1844, XLII. 12; for 1845, XLIII. 11, 15, 21, 22, 99; for 1846, XLIV. 21; for 1847, XLV. 11.

3d circuit, for the year 1842, XL. 9; for 1843, XLI. 16; for 1844, XLII. 13, 70; for 1845, XLIII. 12, 18; for 1846, XLIV. 18, 50; for 1847, XLV. 10.

4th circuit, for the year 1842, XL. 9, 26; for 1843, XLI. 16, 49; for 1844, XLII. 13; for 1845, XLIII. 12; for 1846, &c., XLIV. 24.

5th circuit, for the year 1842, XL. 10; for 1843; XLI. 17, 49; for 1844, XLII. 13; for 1845, XLIII. 12; for 1846, XLIV. 25; for 1847, XLV. 13.

6th circuit, for the year 1842, XL. 10; for 1843, XLI. 17, 49; for 1844, XLII. 13; for 1845, XLIII. 12, 18; for 1846, &c., XLIV. 18.

7th circuit, for the year 1842, XL. 10; for 1843, XLI. 17; for 1844, XLII. 14; for 1845, XLIII. 12; for 1846, &c., XLIV. 16, 25, 137.

8th circuit, for the year 1842, XL. 10, 13; for 1843, XLI. 17, 27, 48; for 1844, XLII. 14, 46; for 1845, XLIII. 13, 15; for 1846, XLIV. 26; for 1847, XLV. 8.

9th circuit, (Cuyahoga, for 1844, XLII. 17); for 1845, &c., XLIII. 13; Cuyahoga county, for 1847, XLV. 6.

10th circuit, for the year 1842, XL. 11; for 1843, XLI. 18; for 1844, XLII. 14, 44; for 1845, XLIII. 13; for 1846, XLIV. 23; for 1847, XLV. 9.

11th circuit, for the year 1842, XL. 11; for 1843, XLI. 18; for 1844, XLII. 15, 45; for 1845, XLIII. 13; for 1846, XLIV. 17, 137; for 1847, XLV. 14.

COURTS — *Continued.**terms of:—Continued.*

12th circuit, for the year 1842, XL. 11; for 1843, XLI. 18, 49; for 1844, XLII. 15, 45; for 1845, XLIII. 13, 64; for 1846, XLIV. 27; for 1847, XLV. 15.

13th circuit, for the year 1842, XL. 11, 31; for 1843, XLI. 19; for 1844, XLII. 15; for 1845, XLIII. 13, 21, 71; for 1846, XLIV. 22; for 1847, XLV. 7.

14th circuit, for the year 1842, XL. 12; for 1843, XLII. 19; for 1844, XLII. 16; for 1845, XLIII. 13, 19, 99; for 1846, &c., XLIV. 19.

15th circuit, for the year 1842, XL. 12; for 1843, XLI. 19; for 1844, &c., XLII. 16, 47;

16th circuit, for the year 1845, XLIII. 22, 102, 120; for 1846, XLIV. 21, 28; for 1847, XLV. 14.

when special terms of common pleas held, what may be done, and proceedings preliminary to such term, XLIV. 40; (as to special terms in Franklin county, see XLIII. 64, 65.)

the superior court of Cincinnati: judge may reside any where in county of Hamilton, XLV. 16; how causes in disposed of, when judge interested, &c., XLV. 16, 17.

circuits of: sixteenth circuit created and others changed, XLIII. 21, 102.

miscellaneous provisions relating to courts: fees of officers for taking charge of prisoners at an examining court and for testifying, XLV. 53; when military court of appeal held, XLIV. 63; jurisdiction of the courts in Franklin county in cases of quo warranto against corporations or debts due the State, &c. XLIV. 47; Common Pleas may appoint a committee, &c., to examine the books, &c., of the county auditor and county treasurer, XLV. 42, 43; proceedings against fiduciaries who do not pay taxes, XLV. 64; bills of exception and writs of error in, generally, XLIII. 80, 81.

CREDITS —

meaning of the word credits in the tax law, XLIV. 85, 86; XLV. 61.

CRIMES AND MISDEMEANORS —

period within which crimes to be prosecuted generally, XLIII. 6.

when sentence to hard labor may be awarded instead of imprisonment in the county jail, XLIII. 79; XLIV. 9.

imprisonment in the penitentiary of another State disqualifies, when, XL. 30. issuing fraudulent currency, XL. 55.

joint indictment against two for capital offence may be tried separately, XLII. 52.

Judges on writ of error in capital cases divided in opinion, the judgment below must be reversed, XLII. 52.

how lunatic convicts disposed of, XLIII. 73.

how lunatic charged with homicide disposed of, XLII. 36.

how injuries to railroads punished, XLIII. 93.

malicious destroying of fruit trees, XLIII. 128; XLIV. 44.

fraudulent warehouse receipts, and frauds by warehousemen, carriers, &c., by the execution, &c., of fictitious papers, XLIV. 34; XLII. 50.

gaming and gambling, XLIV. 10.

throwing down fences, bars, &c., XLIV. 76.

CRIMES AND MISDEMEANORS—Continued.

digging up dead bodies, &c. XLIV. 77.
nineteenth section of the act of 1831 repealed, XLIV. 78.
embezzlement generally, XLIV. 112, 113.
embezzlement, &c., of stranded goods, XLIII. 54.
embezzlement by officers, &c., of bank, XLIII. 50.
the sale, &c., of intoxicating liquors in certain counties, XLV. 39.

CRIMINALS—

in what cases they may be sentenced to hard labor instead of imprisonment in the county jail, XLIII. 79; XLIV. 9.
how those who are insane and in the penitentiary provided for, XLIII. 73.

CURRENCY—See BANKS AND BANKING; BROKERS.**DAMAGES—**

not allowed on certain protested bills of exchange, XLIV. 69.
for taking land or materials, &c., for a turnpike road, XLI. 60, 61.
for taking timber, stone or gravel by the supervisor of roads to repair them, how paid, XL. 37.

DEAD BODY—

removing, &c., without leave, &c., how punished, and legal proceedings in such case, XLIV. 77.

DEAF AND DUMB, ASYLUM FOR—

salary of the superintendent, XLIV. 111.
when and how steward of appointed, and his general powers, duties and salary, XLIV. 111.
number of indigent pupils in; the age of admission; and how pupils may be continued in the institution, XLII. 8.
appointment, number, and term of office of the directors; how vacancies filled in the board—one to be president; to appoint a steward, XLIV. 111, 112.
certain laws relating to the boarding of pupils, and the appropriations and auction duties, &c. repealed, XLV. 111.

DEATH—

the plaintiff's death not to abate an action of trespass on the case for a tort, XLIII. 114.
how punishment in capital cases carried into execution, XLII. 71; XLIV. 44, 45.

DECLARATION—

in suits by and against banks and bankers, XLIII. 67.
in a joint action against the makers and indorsers of negotiable instruments, XLII. 72.
what defects in, cured by verdict, XLII. 72.
when and upon what terms amended, XLIII. 114.

DECREES IN CHANCERY—See CHANCERY.

DEED—

effect of deed made by husband alone for the property of his wife, XLIV. 75.
 may be acknowledged, &c., before certain commissioners in other States
 who are appointed by the governor of this State, XLII. 5.
 a certified copy from the recorder's office of any county in this State may
 be recorded in the county where the land lies, and a copy of such record-
 ed copy evidence, XLII. 77.
 governor to make deeds for gate house lots, XLII. 51.

DEFINITIONS—

what the following words mean in the tax law of 1846: Affirm and affirm-
 ative, borough, city, credits, law, money, or moneys, oaths, personal
 property, real property, separate parcel of land, separate parcel of real
 estate, town, village, XLIV. 85, 86; or the words, merchant, manufac-
 turer, and person, XLIV. 93.

DELINQUENT TAXES—

within what time to be paid to the county treasurer, and the penalty for
 delinquency, XLI. 45.
 may be paid into the state treasury until the 15th April, and the law passed
 creating penalties for not paying before repealed, XLV. 26.
 cost of advertising for sale lands delinquent for taxes, XLII. 62; XLIII. 1.
 when and how land advertised and sold for delinquent taxes, XLII. 27, 62;
 XLI. 5.
 distress for, XLII. 62; XLIII. 1; XLI. 5.

DEMISES—

foreign guardian may make demises to maintain an action of ejectment,
 XLIV. 59.

DEMURRER—See PLEAS AND PLEADING.

if a demurrer is overruled, pleadings over, and a verdict against the party
 demurring, he may reach the question made by the demurrer upon a writ
 of error, XLIII. 80.

DEPOSIT—

effect and punishment of public officer for making a deposit of public money
 for his own profit, XLIV. 113.

DEPOSITIONS—

not to be recorded by clerks as part of a record in a cause, XLII. 47.
 may be taken by certain commissioners out of this State, appointed by the
 Governor, XLII. 5.
 may be taken in cases of impeachment before the House of Representa-
 tives, and what notice is to be given in such cases, XLII. 38, 39.

DEPUTIES—

how deputies of coroners appointed, and their powers and duties, &c.,
 XLIV. 52.
 of sealers of weights and measures, XLIV. 57.
 assessors may appoint, and how, &c., XLIV. 109.
 appointment, powers, duties and salary of deputy warden of the peniten-
 tiary, XLIII. 73.
 jailor to be a deputy of the sheriff, and how appointed, &c., XLI. 74.

DESCENT AND DISTRIBUTION—

what personal estate of the deceased husband the widow is entitled to, if she fails to claim under the will, XLIV. 79; see XL. 55; XLI. 50.

DETAINDER, FORCIBLE—

in all cases of alledged forcible entry and detainer, or detainer only, three days' previous notice in writing to quit, to be given, XLIV. 69; for prior law see XLI. 78.

in what cases a purchaser under a sale for taxes may sue for and recover possession, and the proof and defence in such cases, XLIV. 115; XLV. 24. constable may serve process in these actions—his fees, XLIII. 7.

if neither party demand a jury, how tried, XLII. 4.

one justice may act in cases where formerly two were necessary, XLI. 78. for what period and upon what terms the trial may be adjourned, XLI. 79. the verdict of the jury, the judgment, and how the costs taxed, &c., XLI. 78, 79.

the effect of a certiorari upon the writ of restitution, &c., XLI. 79.

DEVISEES—

if names unknown, how made defendants in chancery, and the mode of proceeding against them, XLIII. 125.

DIRECTORS OF BANKS—

directors of branches of the state bank under the act of 1845: how elected, number and qualification, oath, term of office, vacancies, &c., XLIII. 43, 44; how punished criminally for certain frauds, &c., XLIII. 50; to what amount may be liable to branch as principals or sureties, XLIII. 34.

directors of the independent banks under the act of 1845: how elected, number, qualification, oath, term of office, vacancies, &c., XLIII. 43, 44; to what amount may be liable to bank as principals or sureties, XLIII. 41, 42.

DIRECTORS OF COUNTY SEATS—

term of office, removal, when and how to render account of the sales of lots, and to pay over the proceeds of sales, XLIII. 18.

DIRECTORS OF THE PENITENTIARY—

their duties in relation to insane convicts, XLIII. 73.

when and how to appoint deputy warden, and salary, &c., XLIII. 73.

DIRECTORS OF POOR HOUSES—

their election, term of office, how vacancies filled, their sale and disposition of the real and personal estate of paupers, XL. 35, 36.

how their orders to pay for provisions, labor, medical attendance and supplies, drawn and paid, XLIII. 100.

persons under process of commitment, &c., to be lodged in the poor house, XL. 65, 66.

DIRECTORS OF SCHOOLS— See also **SCHOOLS.**

to establish rules, &c., as to common school library, XLIV. 81.

when they may give notice of the special election of directors, &c., XLIII. 98.

DIRECTORS OF SCHOOLS — Continued.

term of office, and how vacancies filled, *XL*. 49.

to fix the period for paying the taxes to repair or furnish a school house, *XL*. 52.

two a quorum, and two may draw orders for money, *XL*. 52.

DISCOUNTS—

by banks under the charter of 1845: general powers to make, *XLIII*. 44, 45; not to be secured by stock of bank, *XLIII*. 43; when not to make, *XLIII*. 46; what interest or per cent. they may charge for, and forfeitures, &c., for charging too much, *XLIII*. 49; effect of interest on debts due to banks being passed due and unpaid, for six months, *XLIII*. 47; when dividend on stock to be applied to payment of, *XLIII*. 43.

DISTRESS—

for taxes, *XLII*. 62; *XLIII*. 1; *XLI*. 5.

DISTRIBUTION—See DESCENT AND DISTRIBUTION, LAWS AND JOURNALS.**DISTRICT ASSESSORS — See ASSESSORS.**

appointment, oath, bond, vacancy in office, duties, &c., for the year 1846, *XLIV*. 94 to 97; fees, *XLIV*. 109; penalties against, *XLIV*. 110; number to be elected when there is an incorporated town or city within a township, *XLV*. 65.

DISTRICTS, CONGRESSIONAL—

general act relating to, and time of elections under, &c., *XLI*. 70.
amendatory act relating to, *XLIII*. 96.

DIVIDENDS OF BANKS — See BANKS AND BANKING.**DIVORCE AND ALIMONY—**

jurisdiction of the court of common pleas and supreme court, in application for, *XLI*. 94.

petition for, to be filed on the chancery side of the court, and in what courts, *XLI*. 94.

no appeal allowed from decree of the court of common pleas, *XLI*. 94.

DOCKET—

how made out to give precedence to chancery cases, *XLIV*. 28.

entries in the docket of justices of the peace: when two or more are sued and some of the defendants are not served with the process, *XLIV*. 48; when bail for the stay of execution is insufficient, and notice thereof has been given to the defendant, *XLIV*. 49.

DOCKET FEE—

none to be taxed generally, *XLII*. 27.

to be taxed in certain cases appealed to the court of common pleas from a justice, *XLIII*. 57.

DOORKEEPERS OF GENERAL ASSEMBLY—

compensation of, *XLV*. 19, 20.

DOWER—

of widow in personal estate, &c., if she fails to claim under the will, **XLIV. 79**; see as to former law, **XL. 55**; **XLI. 50**.
commissioners setting off dower to ascertain the yearly net value of the estate from the time of the filing of the petition, and the court to decree one-third thereof to the widow, and the execution in such case, **XLI. 6**.
how the costs in petitions for dower apportioned between the parties, and when the defendants pay the whole, **XLI. 7**.

DRAINS—

the act providing for the appointment of commissioners of sewers in certain counties, **XLIV. 133**.
how drains, &c., established through lands of others, to a mine, swamp, &c. **XLV. 50, 51**.

DRUNKARDS—

rights of wife of, to prevent her property from being squandered by her husband. **XLIV. 115**. See **HUSBAND AND WIFE**.

EJECTMENT—

foreign guardian may make demises to maintain the action, **XLIV. 59**.
the act saving the right of nonresidents to sue after twenty-one years repealed, except, &c.. **XLIV. 78**.

ELECTIONS—

the act to provide for registering the names of electors in certain counties, and to prevent frauds in elections, **XLIII. 116**.
of members of congress, when and how conducted, **XLI. 72**.
when special election may be held to elect directors of common schools, &c. **XLIII. 98**.
of a county superintendent of common schools, **XLV. 33**.
the ballot for supervisor of roads to contain but one name, **XLII. 7**.
number of assessors to be elected when a township includes an incorporated town or city, **XLV. 65**.
felon convicted in another State disfranchised here, unless, &c., **XL. 30**.
offences relating to: clerk of common pleas for not making out and forwarding abstract of votes, or not delivering certificate of election, **XLIV. 33**; for not forwarding returns of the election of governor, **XLI. 46**.

ELECTRIC TELEGRAPH—

act authorizing the erection and punishment for injuring, &c., **XLV. 34, 35**.

EMBEZZLEMENT—

what, generally, and how punished, **XLIV. 112, 113**.
of stranded or shipwrecked goods, how punished, **XLIII. 54**.
by a director, officer, &c., of a bank, how punished, **XLIII. 50**.

ENGINEERS—

their official bonds, **XLIV. 125**; **XLII. 74**.
number and salaries of resident engineers on public works, **XLIV. 126**.
powers and duties, and compensation of resident engineers, and engineers on the national road, **XLIII. 89 to 92**; **XLII. 73**.

ENGINEERS—Continued.

powers and duties on the Maumee and Western Reserve Reserve Road, **XL. 101, 102.**
 their checks for work, and certificates for work, &c., and settlements, **XLIII. 61; XLII. 74, 75.**

ENTRIES IN THE LAND OFFICES—

if erroneous, how corrected, and remedies of purchasers at land offices, if their title not good, **XLII. 6.**

ENTRY AND DETAINER, FORCIBLE—

in all cases of alledged forcible entry and detainer, or detainer only, three days' previous notice, in writing, to quit, to be given, **XLIV. 69;** (for prior law, see **XXI. 78.**
 in what cases a purchaser under a sale for taxes may sue for and recover possession, and the proof and defence in such cases, **XLIV. 115; XLV. 24.**
 constable may serve process in these actions, his fees, **XLIII. 7.**
 if neither party demand a jury, how tried, **XLII. 4.**
 one justice may act in cases where formerly two were necessary, **XXI. 78.**
 for what period and upon what terms the trial may be adjourned, **XXI. 79.**
 the verdict of the jury, the judgment, and how the costs taxed, &c., **XXI. 78, 79.**
 the effect of a certiorari upon the writ of restitution, &c. **XXI. 79.**

ENUMERATION—See CLERKS OF SCHOOL DISTRICTS—GOVERNOR—CLERKS OF COURTS.**EQUALIZATION, BOARD OF—**

for the state, **XLIV. 104, 105.**
 for the county, **XLIV. 102, 103; XLIV. 60, 61.**

EQUITY, COURTS OF—

jurisdiction: to remove and control trustees of dissolved corporations, and to supply vacancies created by the removal, **XXI. 53; see XLIII. 95;** to prevent a husband from selling or squandering the property of the wife, **XLIV. 115;** to aid a creditor of a turnpike company in which the state is a stockholder, in obtaining payment of his debt, **XL. 37, 38;** to subject credits of a foreign bank to the payment of its debts, **XLIII. 88;** to close independent banks under act of 1845, which reduce their capital stock by making dividends, **XLIII. 41;** discovery and relief by the owner of goods, consignee, &c., against factor or agent for fraudulent disposition of goods, **XLII. 50;** power over infants' estates, &c., reserved, **XLIV. 59;** bill of interpleader by county treasurer when there are different claimants of money deposited to redeem land forfeited for taxes, **XLIII. 124;** proceedings against turnpikes, **XL. 37.**
 heirs and devisees, or part of them who are unknown, how made parties to a bill, and the affidavit in such case, **XLIII. 124, 125.**
 order of notice by court to unknown heirs or devisees who are made parties defendants to a bill, **XLIII. 124.**
 answer is not evidence for the defendant, unless the bill calls for an answer under oath, **XLIII. 125.**
 when the court may order chancery cases to be first tried, **XLIV. 28.**
 upon a creditor's bill against a bank, the officers, &c., of a bank made competent witnesses for the complainant, **XLIII. 67.**

EQUITY, COURTS OF — *Continued.*

- how decrees in, against school districts collected, XLIV. 114; XLI. 50.
- how decree in favor or against a dissolved corporation enforced, XLI. 51, 52, 63.
- how rights of a purchaser under a sale or decree that is invalid protected, XIV. 114.
- nature, &c., of a decree when an injunction is dissolved which enjoined a sale or levy upon particular property by execution, XLIII. 125, 126.
- decree for rents in dower may be enforced by execution, XLI. 6.
- sales of land in Hamilton county under decrees to be made by the sheriff, XLI. 73.
- an appeal may be taken by any party of his separate part of a suit, and court to direct the amount, &c., of the appeal bond in such case, XLIII. 126.
- how venue changed when judges of common pleas interested, XLIII. 81.
- injunction in:* notice to be given of application for, XLIV. 51; who may allow, when, and when an allowance to be accompanied with an order as to the amount and condition of the injunction bond, XLIII. 125, 126; see XLIV. 51; may be allowed to prevent husband from selling or squandering the wife's property, XLIV. 115; how enforced, and how disobedience to punished, XLIII. 125; see Swan's Stat. 712, 713; may be granted to prevent the board of control from proceeding against a branch of the State Bank on the ground that such branch is insolvent, XLIII. 35, 36; the amount of the bond and the decree upon a dissolution of an injunction to stay the sale, or to enjoin a levy upon particular personal property, and new execution in such case, XLIII. 125-6.
- injunction bond in:* who to direct amount and condition of, and when, XLIII. 125, 126.
- master commissioner in:* vacancy in office of, how filled in Scioto county, XLIII. 71; sheriff of Hamilton county to act as such in the sale of lands, XLI. 73; when to act as commissioner of insolvents, XLIV. 50.
- receiver in:* notice to be given of application for, XLIV. 51; in what cases and by whom appointed, and their oath, bond, powers and duties, XLIV. 51; XLIII. 126; listing property for taxation, XLIV. 88; how compelled to pay taxes on property, XLV. 64; appointment of, in a suit by a creditor against a turnpike company in which the state is a stockholder, XL. 37, 38.

ERROR —

- when writ of error allowed although there be a waiver of error, XLIV. 34.
- in what cases and in what manner a writ of error may be sued out of course, and the return, files, transcripts, assignments of error, prayer of reversal, citation, notice, bond and security, XLIII. 80, 81.
- proceedings upon writ of error when demurrer overruled below, XLIII. 80.
- in capital and penitentiary cases, if the court is equally divided in opinion, the judgment below must be reversed, XLII. 52.
- in what cases a penalty of five per cent. recovered upon writs of error, XLIV. 34.
- when and how mistakes in pleadings, process and proceedings, amended, XLIII. 114.
- how a mistake in the name of a party to an action corrected, XLIII. 114.
- what errors in pleadings, &c., a verdict cures, XLII. 72.

ESCHEATED LAND AND PERSONAL PROPERTY —

how escheated land appraised and sold, and how the proceeds applied, &c.,
 XLV. 44, 45.

EVIDENCE —

in suits by and against banks, XLIII. 67.

to prove an association for literary, scientific, odd fellow, or other benevolent purpose, is a corporation, XLIII. 70.

when answers in chancery not evidence for the respondents, XLIII. 125.

court in mass may adopt as to the admission and proof of documents, XLIII. 115.

of title of State in Wabash and Erie canal lands, XLI. 51.

mode of taking, in cases of impeachment, XLII. 38.

when copies evidence and how authenticated: mortgages of personal property filed with the township clerk or recorder of the county, XLIV. 62; field notes, maps, documents, &c., in the office of the Secretary of the State of Ohio, relating to public lands in Ohio which came from the surveyor of the United States, XLIV. 65; the proceedings of a meeting appointing trustees of any literary, scientific, odd-fellow, or other benevolent association, XLIII. 70; accounts, papers, &c., of the office of the Board of Public Works, XLV. 54; the official bonds of public officers, recorded by the auditor or treasurer of the county or the clerk of the court of common pleas, XLI. 13; certified copy of the record of a deed taken from the record of any county in the State, may be recorded in the county where the land is situate, and a certified copy from the last copy made evidence, &c., XLII. 77.

EXAMINERS OF COMMON SCHOOLS —

who to act as chairman of the board of, in certain counties, XLV. 33; county board of, in certain counties, to receive and expend certain funds, and report the number of teachers, &c., to the Secretary of State, &c., XLV. 67; their certificate in certain counties invalid unless signed by the county superintendent, and how such certificate renewed, XLV. 33.

EXAMINING COURT —

fees of officers for taking charge of prisoners at, and for officers testifying before examining court, XLV. 58.

EXCEPTION, BILL OF —

in what cases and when to be signed and sealed, XLIII. 80.

EXECUTION — See, also, PUBLIC EXECUTION. BANKS AND BANKING.

when issued on a judgment by scire facias suggesting land, it must issue for goods as well as lands, XLIV. 48.

the rights of a purchaser at a sale in, if the sale is invalid, XLIV. 114, 115. the abandonment of a levy which has been enjoined, the issuing of a new execution when a particular levy has been enjoined by an injunction, XLIII. 126.

on what to operate if issued against a partnership in its firm name, XLIV. 66. what property is deemed the wife's, and not liable to satisfy the debts, &c., of the husband, XLIV. 75.

horse of militia man exempt from execution, XLI. 100.

farmer's horse and oxen, and the doctor's horse and books, exempt from execution, XLII. 28.

EXECUTION — Continued.

as to school houses and school house lots being exempt from execution, XL. 51.

how issued, executed, &c., under the act to regulate the sale of intoxicating liquors in certain counties, XLV. 41.

when justice may issue for costs, XLIII. 120; see Swan's Stat. 405.

for costs in cases of conviction for penitentiary offences, XLII. 30.

to issue upon a decree in favor of widow for rents, &c., unless, &c., XLI. 6.

the sheriff to sell property claimed by a third person, if indemnity bond given, although the jury decide in favor of the claimant, XLV. 55.

for the act allowing appraisement, &c., of personal property taken on execution, (and which act has expired by its own limitation,) see XLI. 12.

for the revival of parts of acts which were repealed by the act allowing personal property taken on execution to be appraised, see XLIII. 76.

stay of execution issued by a justice of the peace, and proceedings thereunder: stay not allowed upon a judgment obtained against the surety for the redelivery of property taken on execution, XLIV. 48; when bail for stay is insufficient, how to proceed, XLIV. 49, if the defendant to a stayed judgment dies before the judgment is satisfied, how the bail for stay proceeded against, XLIV. 49.

EXECUTOR—

in what cases he need not (if the will dispense with it,) give bond, nor sell or appraise the personal estate, XLV. 25.

how compelled to pay taxes on estate, XLV. 64.

to list property of decedent for taxation, XLIV. 88.

if decedent was guardian, to file account of guardian and compensation therefor, XLIV. 58.

if sale of real estate by, be invalid, how purchaser protected, XLIV. 114.

within what period creditors may sue, XLV. 25.

pleadings, evidence, damages and costs in suit on his bond for not filing an account of the estate within the period allowed by law or the court, XLIV. 76, 77.

foreign: survivor of, may sell land under devise or power given in will to all or any, XLIII. 66; XLII. 73, 74; may be sued here, XLII. 52.

surviving: whether foreign or not, may sell land under devise or power given in will to all or any, &c., XLIII. 66; XLII. 73, 74.

FACTOR—

who deemed the owner of goods for the protection of third persons, XLII. 49.

how punished for giving fictitious receipt of goods as having been received in warehouse, or falsely or fraudulently dealing with goods held as factor, &c., XLIV. 34; XLII. 50.

how compelled to pay taxes on property, XLV. 64.

FATHER—

to list child's property in certain cases, XLIV. 88.

FEES—See titles of the various officers, &c., entitled to fees, as SHERIFF, WITNESSES, &c., &c.

FEMALES—

property exempt from taxation if not householders, XLV. 61.

FENCES —

throwing down punished, XLIV. 76.

FENCE VIEWERS —

office of abolished and duties transferred to the trustees of the township, XLII. 4.

FIELD NOTES —

copies of field notes, &c., of public surveys of the United States deposited in the Secretary of State's office of Ohio, made evidence, XLIV. 65.

FIELDS —

punishment for throwing down fences, &c., XLIV. 76.

FIERI FACIAS — See EXECUTION.**FINES AND PENALTIES —**

county commissioners cannot remit fine or judgment for selling liquor or keeping tavern without license, XLV. 49.

how justices of the peace to annually report to the county auditor the fines assessed, &c., and penalty for not doing so, XL. 54.

how disposed of: under the act relating to gambling and gamblers, XLIV. 11; under the act for the more effectual protection of inclosures, XLIV. 76; against pedlers, XLIV. 83; penalties relating to public works of the State, XLIV. 123; for bringing indigent persons or lunatics into township or county, &c., XLIII. 77, 78; against manufacturers of salt, XLV. 22; under the act regulating the sale of intoxicating liquors in certain counties, XLV. 40.

FIRE INSURANCE COMPANIES — See INSURANCE AND INSURANCE COMPANIES.**FIREMEN —**

exempt from military, work on roads, serving on juries, XLIII. 23, 69, 101; XLV. 29, 30.

FISCAL YEAR —

to close on the 15th of November for all departments of the State, XL. 62.

FLAX SEED —

weight to the bushel, XLV. 80.

FLOWERS —

how punished for severing, injuring or destroying such as are worth fifty cents, and how prosecuted, XLIII. 128; XLIV. 44.

FORCIBLE ENTRY AND DETAINER —

in all cases of alledged forcible entry and detainer, or detainer only, three days' previous notice in writing to quit, to be given, XLIV. 69; for prior law see XL. 78.

in what cases a purchaser under a sale for taxes may sue for and recover possession, and the proof and defence in such cases, XLIV. 115; XLV. 24. constable may serve process in these actions—his fees, XLIII. 7.
if neither party demand a jury, how tried, XLII. 4.

FORCIBLE ENTRY AND DETAINER — Continued.

one justice may act in cases where formerly two were necessary, **XL. 78.**
 for what period and upon what terms the trial may be adjourned, **XL. 79.**
 the verdict of the jury, the judgment, and how the costs taxed, &c., **XL. 78, 79.**
 the effect of a certiorari upon the writ of restitution, &c., **XL. 79.**

FOREIGN BANKS — See also BANKS AND BANKING.

may sue in this State like other nonresidents, **XLIII. 88**; attachments may issue against, and proceedings had in equity against their credits and effects as nonresidents, &c., **XLIII. 88.**

FOREIGN EXECUTOR OR ADMINISTRATOR —

survivor of, may sell land under devise or power given in will to all or any, **XLIII. 66**; **XLII. 73, 74**; may be sued here, **XLII. 52.**

FORFEITED LANDS —

sale of, **XLIII. 124**; **XLV. 64.**
 advertisement of sale of, **XLIII. 124**; **XLV. 64**; **XL. 4 to 6.**
 proceedings if not sold, **XLIII. 124.**
 when the owner may redeem the land, and how, **XLIII. 124.**
 forfeiture of forfeited land remaining unsold or unredeemed, and record of advertisement for 1842-3, the redemption of such land, and the sale in 1843 of such as remain unredeemed, **XL. 4 to 6.**
 records of sales of forfeited land—the Auditor of State to send out list, &c., for the sale in alternate years, of the real estate forfeited to the State after February, 1842, **XL. 6.**

FORWARDING MERCHANTS —

how punished for certain frauds in their business, **XLIV. 34**; **XLII. 50.**

FRANKLIN COUNTY —

jurisdiction of supreme court of, in cases of quo warranto, **XLIV. 47.**
 jurisdiction of the court of common pleas in, against delinquent public officers, **XLIV. 47.**

FRAUDS —

assignments by limited partnerships to give creditors a preference, void, **XLIV. 31.**
 how assignments, embezzlements, &c., of officers of banks punished, **XLIII. 50.**
 giving fictitious bills of lading, &c., how punished, **XLIV. 34**; **XLII. 50.**

FREE TURNPIKES —

mode of laying out, establishing, &c., and application of taxes, &c., to, and general powers and duties of commissioners and other officers in relation to, **XLIII. 106 to 108.**
 by whom and how changed into State roads, **XLIV. 74.**
 proceedings, bond, appeal and costs upon relocation of free turnpike roads, **XLIV. 6.**

FRUIT —

offences relating to, **XLIII. 128**; **XLIV. 44.**

FUND COMMISSIONERS — (Surplus Revenue.)

appointment, &c., under former laws, XLIII. 77.
 county auditor and treasurer to act as such, and their powers, duties, and fees, XLIV. 68, 69.
 suits against, XLIII. 69; XLV. 32.
 how they may relieve the borrowers of the surplus revenue, and when to pay over the funds, XLIII. 72; see also XLI. 81, 82.

FUND COMMISSIONERS OF STATE —

appointment of, vacancies, reorganization of the board, and their general powers and duties, XLI. 54 to 57, 81.
 their duties under the act for the settlement and payment of claims for work on the national road, XLIV. 18; XLV. 28.
 to act as commissioners of the sinking fund, XLI. 56.
 their duties in regard to the canal fund, and its receipt and disbursement, XLIV. 123 to 125; and see XLI. 55, 56.
 to fix rate of rent in certain cases of water power of State, XLIII. 68.
 powers and duties as to creditors of certain turnpike companies, XLV. 36.
 their settlement, &c., with the acting commissioners of the Board of Public Works, XLII. 75; see XLIV. 125.
 their general powers and duties as to borrowing and issuing, &c., State bonds to pay domestic creditors of the State, and their report thereon, XLI. 80, 83.
 how to pay the State bond, XLI. 82, 83.
 as to their issuing bonds or certificates of stock to turnpike companies, &c., in which the State is a stockholder, XLI. 84.
 mode of raising money to provide for certain debts on the public works of the State, XLIV. 119, 120.
 mode of raising money to pay temporary loans of State by issuing stock and selling same, &c., XL. 63.
 duties as to claims for work on the Wabash and Erie canal, XLIV. 120; XL. 63, 64.
 commissioners to examine their accounts, &c., XLIII. 97, 98.
 compensation of the acting canal fund commissioners, XLII. 22.
 salary of their clerk, XLII. 23.

FURNITURE —

exempt from tax, XLIV. 87.

GAMING, GAMBLERS AND GAMBLING HOUSES —

punishment, proceedings, appeal, recognizance, &c., for keeping, renting, &c., a tenement or room to be used for gambling—for exhibiting, &c., a gaming device or aiding therein, &c., XLV. 10 to 12.

GARDEN —

stealing plants, &c., how punished, XLIII. 128; XLIV. 44.
 pulling down fences, &c., how punished, XLIV. 76.

GATE —

throwing down, &c., how punished, XLIV. 76.

GERMAN SCHOOLS —

rights, &c., of such as attend a school taught in the German language, XLV. 26, 27; see XL. 52.

GOVERNOR —

powers and duties : as to State Library, XLIII. 58, 59 ; as to sale of canal lands, XL. 73 ; as to census, XLII. 21 ; as to appointment of commissioners to take acknowledgments of deeds, &c., XLII. 5 ; as to making deeds for vacated gate lots on the national road, XLII. 51 ; as to voting on the stock of the State in the Little Miami and Mad River and Lake Erie Railroad Company, XLI. 66.

salary, XLIV. 126.

penalty against certain officers for neglecting to forward the return of the Governor's election, XLI. 46.

salary of his private secretary, XLV. 37.

GRAIN —

weight of a bushel, XLV. 30.

GRAND JURY —

talesmen may be summoned, &c., after the discharge of the regular grand jury, XLII. 31.

firemen exempt from serving on, XLV. 29, 30 ; see XLI. 101 ; XLIII. 23, 69.

GRAVE —

opening, &c., how punished, XLIV. 77.

GRAVE YARDS —

exempt from tax, XLIV. 86.

GROCERIES —

act regulating sale of intoxicating liquors in certain counties, XLV. 39.

cannot be licensed to sell liquors by a town or city, XL. 52 ; see XLIV. 107.

GUARDIANS —

executor or administrator of a deceased guardian must file account of the deceased guardian, XLIV. 58.

guardianship held by an unmarried woman is extinguished, &c., by her marriage, except, &c., XLIV. 59.

to list property of ward for taxation, XLIV. 88.

how compelled to pay taxes on the ward's property, XLV. 64.

for what removed, resignation, appointment of another, and prosecution of predecessor, XLIV. 59, 60 ; XL. 48, 49.

how sureties of may compel the guardian to indemnify them or have him removed, XL. 48, 49.

in what cases the court will order the sale of the real estate of the ward, and how the sale to be made, XLIV. 58.

sale of the real estate of an insane person or idiot by his guardian, XLIII. 74.

how purchaser of real estate from the guardian protected if the sale is invalid, XLIV. 114.

GUNPOWDER —

explosion of in certain places prohibited, XLIII. 17.

HABEAS CORPUS —

form of writ, how served and returned — continuance for hearing, record, fees, &c., XLV. 45 to 48.

HAMILTON COUNTY —

chancery sales to be by the sheriff, **XLII. 73.**
 fees of auditor in certain cases, **XLIV. 62.**
 when the treasurer to settle, **XLIV. 121.**

HEIRS —

whose names are unknown how made defendants in chancery, and the mode of proceeding against them, **XLIII. 125.**

HIGHWAYS —

State roads: powers and duties of county commissioners to lay out and establish, and the petition and proceedings in such case, **XLIV. 74**; free turnpike roads may be changed into State roads, and how, **XLIV. 74.**

county roads: the width generally, and when and how width reduced, **XLII. 18, 19**; the width when on or adjoining the county line of the State, **XLII. 58.**

township roads: work on, in certain counties, **XLV. 19.**

roads to mines, quarries, low lands, &c., how opened, established, &c., **XLV. 50, 51.**

work upon roads: in lieu of military duty, and commutation thereof, **XLIII. 23**; who exempt on account of military duty from working upon, **XLIII. 23**; how and when work done on township roads in certain counties, **XLV. 19**; firemen, &c., exempt from working on, **XLV. 29**; see **XLII. 101**; **XLIII. 23, 69.**

taxes for repair, &c., of roads: how, and how much applied to free turnpikes, **XLIII. 106, 107**; when the county commissioners in certain counties determine the amount of the tax, and how collected, **XLV. 59, 60, 66.**

free turnpike roads: mode of laying out, establishing, &c.—application of taxes to, and general powers and duties of commissioners and other officers of such roads, **XLIII. 106 to 108**; bond, appeal and costs in proceedings to relocate a free turnpike, **XLIV. 6**; by whom and how changed into a State road, **XLIV. 74.**

roads in which the State is a stockholder: the act for the relief of the creditors of such roads, **XL. 37, 38**; **XLV. 35, 36**; the grant of State bonds or certificates of State stock to such roads, **XLII. 84, 85, 97**; the examination of their affairs by the Auditor of State, **XLII. 84, 85**; how their tolls to be applied, **XL. 38**; further subscriptions of the State to the stock of turnpike companies withheld, **XL. 65.**

turnpike roads and turnpike companies: county commissioners not to subscribe for the stock, although authorized to do so by a special law, until directed by a vote of the qualified voters of the county, &c., **XLIV. 82**; how companies organized—subscription for stock—number of directors—shares of capital stock, tollgates, &c., **XLIII. 101**; power of entering upon, using, &c., land and materials of others, and proceedings, compensation, &c., in such case, **XLII. 60, 61.**

tolls on turnpike roads: acts regulating and equalizing, **XLIV. 84**; **XLIII. 101**; **XLII. 44**; **XL. 32**; as to toll for the fractional part of ten miles, **XLIV. 86**; disposition, &c., of the tolls on turnpikes in which the State is a stockholder, **XLV. 36.**

HIGHWAYS — Continued.

supervisor of roads: but one to be named on each ballot at an election, XLII. 7; his power to appropriate road work to a free turnpike, XLII. 107; when and how to work township roads in certain counties, XLV. 19; how to connect roads with the National Road, XLI. 90, 89; how to pay for timber, stone, or gravel taken to repair roads, XL. 37; his compensation, XLIII. 8.

HOGS —

what, and how listed for taxation, XLIV. 90.

HOMICIDAL INSANITY —

mode of proceeding, &c., when a person is acquitted of murder or manslaughter on account of his insanity, XLII. 36.

HORSES —

what, and how listed for taxation, XLIV. 90.

HOUSE OF CORRECTION —

how and by whom proceeds of escheated property in Cincinnati appropriated to the erection of a house of correction, XLV. 45.

HOUSE OF REPRESENTATIVES —

apportionment of representation in the General Assembly, XLII. 63.

compensation of members, XLV. 19, 20.

resignation of members, XLI. 61.

HUSBAND AND WIFE —

a guardian who is a female ceases to be such upon her marriage, XLIV. 59.
what portion of the personal estate the widow is entitled to, if she fails to elect to take under the will in lieu of dower, XLIV. 79; see XL. 55; XLI. 50.
when insurance on the life of the husband may enture to the benefit of his wife and children as against creditors, XLV. 53, 54.

property of the wife: what is such, and not liable for the husband's debts, XLIV. 75; XXV. 23; the deed of the husband inoperative to convey it, unless, &c., XLIV. 75; in what cases she may file a bill to prevent her husband from selling or squandering her property, XLIV. 115.

HYDROMETERS —

adjusters of, their appointment and term of office, XLIV. 57, 58.

IDIOTS. See LUNATIC AND INSANE PERSONS.

guardians of may sell the real estate of their wards, XLIII. 74.

ILLEGITIMATE CHILDREN —

putative father may be discharged by associate judge on recognizance, XLIII. 65.

how fees of sheriff for keeping putative father in jail paid, &c., and how putative father discharged from imprisonment in case the fees are not paid, XLIII. 65.

IMPEACHMENT —

depositions and costs in cases of impeachment before the House of Representatives, XLII. 39.

IMPRISONMENT —

process in civil cases for: when issued by a justice of the peace against two or more, how served and returned, &c., XLIV. 48; may be issued against a debtor who is about to remove his person out of the State or county with intent thereby to defraud his creditors; but cannot be issued if the debtor is merely about to remove his body out of the jurisdiction of the court, XLI. 28.

when imprisonment in the Penitentiary of another State disfranchises in this State, XL. 30.

proceedings on a habeas corpus, XLV. 45 to 48.

INCLOSURES —

throwing open, &c., how punished, XLIV. 76.

INCORPORATION — See CORPORATIONS, BANKS AND BANKING.**INDICTMENT —**

its form under the act for the more effectual protection of inclosures, XLIV. 76.

INDIGENT PERSON —

punishment for fraudulent removing to charge a township with support, XLIII. 77.

INDORSERS —

the privilege and liability of those who are in fact sureties for the payment of money to a bank, although the contract states that they are principals, &c., XLIII. 67, 68.

joint suit against makers and indorsers of negotiable instruments, and the pleadings, defence, evidence and costs, XLII. 72.

INFANTS — See GUARDIANS.**INJUNCTION —**

notice to be given of application for, XLIV. 51.

who may allow, when, and when an allowance to be accompanied with an order as to the amount and condition of the injunction bond, XLIII. 125, 126; see XLIV. 51.

may be allowed to prevent husband from selling or squandering the wife's property, XLIV. 115.

how enforced and how disobedience to punished, XLIII. 125; see Swan's Stat. 712, 713;

may be granted to prevent the Board of Control from proceeding against a branch of the State Bank on the ground that such branch is insolvent, XLIII. 35, 36.

the amount of the bond and the decree upon a dissolution of an injunction to stay the sale, or to enjoin a levy upon particular personal property, and new execution in such case, XLIII. 125-6.

who to direct amount and condition of injunction bond, and when, XLIII. 125, 126.

INJUNCTION BOND —

who to direct the amount and condition, and when, XLIII. 125, 126.

INNS —

discretionary with the court to grant or refuse a license to, XLIII. 8.
fine for keeping without license cannot be remitted by the county commissioners, XLV. 49.
act regulating the sale, &c., of intoxicating liquors in certain counties, XLV. 39 to 42.

INSANE PERSONS — See LUNATIC ASYLUM.

how lunatic convicts in penitentiary to be treated, XLIII. 73.
guardian may sell their land, XLIII. 74.
penalties for removing them to this State with intent to make them a public charge, XLIII. 78.
when tried and acquitted of homicide, how proceeded against, XLII. 36.
powers, &c., of the directors of a poor house over the property of insane persons who are confined in the poor house, XL. 36.
upon a warrant for their commitment they shall be placed in the poor house, XL. 65, 66.
fees of an associate judge and the jury when more than one inquest is held the same day, XLV. 53.

INSOLVENTS, COMMISSIONER OF —

when master commissioner in chancery to act as, XLIV. 50.
to sell certain choses in action of the insolvent debtor, XLIV. 50.
not entitled to a room in the public buildings, XLV. 26.
may have insolvent debtor's real estate reappraised after being offered for sale, XLI. 15.

INSOLVENT DEBTOR —

certain choses in action of the debtor assigned to the commissioner to be sold, XLIV. 50.
for what debts liable to arrest, although a certified insolvent, XLII. 29.
a nonresident applicant for the benefit of the act to give bond, XLII. 29.
in what cases a resident applicant need not give bond, XLII. 29.
his real estate may be reappraised after being offered for sale, XLI. 15.
assignments, sales, liens, &c., made or created by partners in a limited partnership to give a preference to creditors, are void, XLIV. 31.

INSPECTORS OF LUMBER, &c. —

appointment and general powers, &c., XL. 31; to be inspectors of shingles, and may appoint deputies, XLIV. 35; how lumber to be designated, XLIV. 35; term of office of, &c., XL. 26; see XL. 24; fees for inspecting lumber and shingles, XLIV. 36; as to inspectors of salt see XL. 24; XLII. 33, 71; XLV. 22.

INSTRUMENTS FOR COUNTERFEITING —

may be mutilated and sold by the county commissioners, XLIII. 16.

INSURANCE AND INSURANCE COMPANIES —

amount of tax, &c., upon insurance companies, XLIV. 122.
when and how suits brought on contracts of insurance, and the practice and proceedings in such cases, XLV. 17, 18.
when insurance on the life of the husband may enure to his wife and children, free from his debts, XLV. 53, 54.

INTEREST—

which banks under the charter of 1845 may take, XLIII. 49.

INTERPLEADER, BILL OF—

in what cases county treasurer to file, in order to determine to whom moneys belong deposited to redeem land sold as forfeited to the state for taxes, XLIII. 124.

INTOXICATING LIQUORS—

an act regulating licenses, taverns, prosecutions, and the sale of intoxicating liquors in certain counties, XLV. 39 to 42.

the county commissioners cannot remit fines assessed for selling without license, XLV. 49.

incorporated towns not to license groceries, taverns, &c., so as to authorize the retail of liquors, XL. 53.

JAIL—

general law regulating the economy, &c., of county jails, XLI. 74 to 76.

JAILOR—

how appointed, and general powers, duties, and punishment of, XLI. 74 to 76.

JOINT ACTION—

on notes, bills, &c., XLII. 72; XLIII. 67.

JOURNAL— See LAWS AND JOURNALS.

JUDGES—

allowance of injunctions by, and their directions as to the amount, condition, &c., of injunction bonds, XLIII. 125, 126.

appointment of receivers by, upon granting an injunction, XLIV. 51; see XLIII. 125, 126.

salaries of, XLIV. 33; as to the "retrenchment law," see XLII. 21 to 27.

JUDGMENT— (See, also, BANKS AND BANKING.)

when five per cent. penalty may be recovered in cases of error in the Supreme Court, XLIV. 34.

collection of certain judgments against school districts, XLIV. 114; XLI. 59.

how entered, &c., upon a quo warranto, when a corporation has misused, exercised without authority, forfeited, or surrendered its franchises, XLIII. 94.

the power of the court to reduce the amount of a judgment on a recognition in a criminal case, XLI. 45.

when the lien of a judgment confessed commences, XLIV. 41.

when the lien commences where scire facias issues upon the suggestion of lands, XLIV. 48.

JUDICIAL SALES—

how purchaser protected, XLIV. 114.

JURIES—

grand jury: talesmen may be summoned, &c., after the discharge of the regular grand jury, XLII. 31; firemen exempt from serving on, XLV. 29, 30; see XLI. 101; XLIII. 23, 69.

JURIES — Continued.

- as to jury before justices of the peace:* in actions of replevin, XLIV. 42; in forcible entry and detainer, XLIII. 7; XLII. 4.
- the jury in capital cases, when there is a joint indictment against two or more persons, XLII. 52.
- person [convicted of a penitentiary offence in another state ineligible as a juror here, XL. 30.
- firemen exempt from serving as jurors, XLV. 39, 30; see XLI. 101; XLIII. 23, 69.
- in what cases in actions of forcible entry and detainer the fees to be advanced, XLIII. 7.
- their fees when serving on more than one inquest of lunacy the same day, XLV. 53.

JURISDICTION. See APPEAL, ERROR, REPLEVIN, DIVORCE and ALIMONY, COURTS, JUSTICES OF THE PEACE, FRANKLIN COUNTY, &c. &c.—

- of the court of common pleas:* to change the names of persons, towns and villages, XL. 28, 20.
- in cases of divorce and alimony, XLI. 94.

JUSTICES OF THE PEACE.— See EXECUTION, CERTIORARI.

jurisdiction and general duties: under the act relating to gaming and gamblers, XLIV. 11, 12; under act allowing and regulating writs of replevin before them, XLIV. 41; appointment of constable, XLIV. 48; when process in civil actions is against two or more, and is returned as to some not found, XLIV. 48, 49; XLV. 52; to seek for dead body which has been removed from a grave, XLIV. 78; when the township assessor requires a witness to be summoned before him, XLIV. 99; duties under act relating to brokers, XLIV. 129; under the act relating to forcible entry and detainer, XLIII. 7; as to issuing execution for costs, XLIII. 120; see Swan's Stat. 405; under the act relating to the sale, &c., of intoxicating liquors in certain counties, XLV. 40 to 42; as to taking security for costs in criminal cases before issuing a warrant, XL. 53; see XLIII. 63, 64; as to reporting annually to the auditor upon the fines assessed, &c., XL. 54; where to deposit his official bond, if he is himself the township treasurer, XL. 30; powers and duties if gunpowder is exploded near a highway, XLIII. 17, 18; when there is a joint contract and some of the defendants are principal debtors and some are sureties, XLV. 52.

juries before: in actions of replevin, XLIV. 42; in actions of forcible entry and detainer, XLIII. 7.

setting aside verdict and new trial before, XLIII. 57.

docket entries where some of the defendants in the suit are not served with process, XLIV. 48.

docket of criminal cases, how kept and disposed of, and proceedings thereon by scire facias, XL. 54.

appeal from: in jury cases, XLIII. 57; XLIV. 64; in actions of replevin, XLIV. 42; upon the trial of the right of property taken by a constable on execution, XLIII. 57; under the act relating to gaming and gamblers, XLIV. 12.

JUSTICE OF THE PEACE—Continued.

fees of: by whom to be paid in criminal cases, XLIII. 63, 64; XL. 53; in what cases they may issue execution for the costs, XLIII. 120; see Swan's Stat. 406; the items and amount of fees where a warrant, recognizance of bail or mittimus contains the name of one person only, and where it contains the names of two or more, XLV. 53.

penalty against: for not reporting annually to the auditor of the county as to the fines assessed, &c., XL. 54.

KIDNAPPING—Sec. 27, II. relating to kidnapping in Swan's Stat. p. 600, revived, XLI. 13.

LAFAYETTE BANK, XLIII. 50 to 54; XLII. 40.

LAKES—

drains to, through lands how established, XLV. 50, 51.

LAND—See **CANAL LANDS, FORFEITED LAND, TAXES.**

meaning of the word in the tax law of 1846, XLIV. 85.

LAND OFFICES—

how erroneous entries in, corrected, &c., XLII. 6.

the remedy of the purchaser at, if the title to the land not good, XLII. 6.

LARCENY—

stealing shipwrecked or stranded goods, XLIII. 54.

LAWS AND JOURNALS—

mayor or presiding officer of an incorporated town, and the clerk of the directors of the poor house, entitled to a copy of the general laws, XLV. 48.

the bond of the contractor for the delivery of the laws and journals, &c., into each county, and suits thereon, &c., XLII. 32.

two copies of the general laws to be forwarded by mail to each of the clerks of the courts of common pleas and county auditors, as soon as they are printed, XLII. 82.

the publication and distribution of a volume of the school laws, XL. 50, 51.

the publication of the general laws in newspapers, XLII. 82; XLI. 98.

the printing of the laws, &c., XLIV. 60, 61; XLIII. 82; XLII. 82; and see XLIII. 4; XLI. 98; and see **PRINTING.**

LAWYERS—

not to take fee to procure pardon of criminal, XLIV. 7.

effect of suspension from practice, XLIV. 7.

fees of: in certain jury cases appealed to the court of common pleas, XLIII. 57; amount for defending pauper criminal must be approved by the county commissioners, XLII. 28.

LEASES AND LEASEHOLD ESTATES—

in whose name listed, and when liable to taxation, XLIV. 89; XLII. 61; and see XLIV. 122; XLV. 61, 65.

by whom the rent of the water power of the state to be adjusted under leases theretofore given, XLIII. 68.

LEASES AND LEASEHOLD ESTATES—Continued.

- as to leases upon school and ministerial land which are permanent, when and how sold, &c., **XL. 20; XLII. 43.**
- the term of the leases of improved and unimproved ministerial land, &c., **XL. 62.**
- how rents under leases for more than fourteen years, and renewable, shall be listed, valued, and taxed, **XLV. 65.**

LEGAL ADVERTISEMENTS—See ADVERTISEMENTS.**LIBRARIAN OF THE STATE LIBRARY—**

- powers, duties, &c., as one of the commissioners of the state library, **XLIII. 58, 59.**
- his salary, **XLV. 37.**

LIBRARIES—

- how money raised for libraries for common schools, and how such libraries regulated, &c., **XLIV. 81.**
- act to regulate the state library, **XLIII. 58.**

LICENSES—

- cannot be granted by towns or cities to authorize the sale of liquor, or the keeping of a house of public entertainment, **XL. 53.**
- general act relating to pedlars, **XLIV. 82**; for repealed laws relating to pedlars, see **XXI. 48; XL. 29; XLIV. 82.**
- general act relating to brokers and money dealers, and penalties against, **XLIV. 127**; for the repealed law relating to brokers, see **XLIII. 104; XLIV. 130.**
- discretionary with the court to grant or refuse tavern licenses, **XLIII. 8, 9.**
- the act (confined to certain counties,) regulating the sale of intoxicating liquors, tavern licenses, and prosecutions for selling, **XLV. 39 to 42.**
- moneys arising from licenses to pedlars and auctioneers, and fines and penalties relating to the same, appropriated to the school fund, **XLII. 38.**

LIEN—

- where scire facias issues upon suggestion of land, **XLIV. 48.**
- when void, if created by a limited partnership to give a preference to certain creditors, **XLIV. 31.**
- when to begin, by virtue of a judgment confessed, **XLIV. 41.**
- a person having a lien on land, and paying the taxes, has a paramount lien for such taxes, **XLIV. 114, 115**; and see **XLV. 24**; Swan's Stat. 931.
- the general law to create a lien in favor of mechanics, &c., in certain cases, and the mode of proceeding to establish and liquidate the lien, **XXI. 66 to 70.**
- the lien of a bank upon dividends to secure a debt due from a stockholder, **XLIII. 43.**

LIMITATION OF ACTIONS AND CRIMINAL PROSECUTIONS—

- prior acts, saving the right of a nonresident to sue in ejectment, repealed, except, &c., **XLIV. 78.**
- within what time the creditor of a decedent may sue the executor or administrator, **XLV. 25.**

LIMITATION OF ACTIONS, &c.—Continued.

- to what time criminal prosecutions limited generally, except in capital and penitentiary cases, XLIII. 6.
- time in which prosecution for throwing down fences, &c., to be commenced, XLIV. 76.
- within what time prosecutions for fraudulent removal of paupers and lunatics to be brought, XLIII. 78.

LIMITED PARTNERSHIPS—

- act relating to, XLIV. 29.

LIQUORS, INTOXICATING—

- an act regulating licenses, taverns, prosecutions, and the sale of intoxicating liquors in certain counties, XLV. 39 to 42.
- the county commissioners cannot remit fines assessed for selling without license, XLV. 49.
- incorporated towns not to license groceries, taverns, &c., so as to authorize the retail of liquors, XL. 53.

LIST AND LISTING—SEE TAXATION.

- who to make out list or statement of property for taxation, and when, XLIV. 88, 89; XLV. 59, 62.
- how to make out list or statement of property for taxation, XLIV. 90, 91; XLV. 61, 65; as to broker listing his capital see XLIV. 130.
- the listing annually by the township assessor of real property not before subject to taxation, XLIV. 108.
- deductions and refunding on account of the destruction of buildings, &c., XLIV. 106; XLI. 50.

LITERARY FUND—

- transfer of, to the canal fund, XL. 62.

LITERARY SOCIETIES, (Incorporated)—

- not dissolved, &c., by failing to elect officers; how to organize, elect officers, &c., if they failed to organize and elect officers on the day appointed by their act of incorporation, XLIV. 79, 80.
- if organized under a special act they may reorganize under a general act, and still hold their property, &c., XLIV. 80.
- what property of, exempt from taxation, XLIV. 86, 87, 89.
- in whose name their property to be listed, XLIV. 89.
- their mode of organizing and acquiring corporate powers without in fact being incorporated, XLIII. 70.
- See CORPORATIONS.

LITTLE MIAMI RAILROAD COMPANY—

- provisions relating to, XLI. 65, 66.

LOANS—

- of the public moneys, &c., by public officers or servants, how punished, XLIV. 113.
- by banks under the charter of 1845: general powers to make, XLIII. 44, 45; not to be secured by stock of bank, XLIII. 43; when not to make, XLIII. 46; what interest or per cent. they may charge for, and for-

LOANS— Continued.

(*by banks under the charter of 1845:— Continued.*)

feitures, &c., for charging too much, XLIII. 49; effect of interest on debts due to banks being passed due and unpaid for six months, XLIII. 47; when dividend on stock to be applied to payment of, XLIII. 43.

LUMBER—

inspectors of, and their deputies— powers, duties, and fees, XL. 26, 31; XLIV. 35, 36; see XL. 24.

LUNATIC AND INSANE PERSONS—

how lunatic convicts in penitentiary to be treated, XLIII. 73.

guardian may sell their land, XLIII. 74.

penalties for removing them to this State with intent to make them a public charge, XLIII. 78.

when tried and acquitted of homicide how proceeded against, XLII. 36.

powers, &c. of the directors of a poorhouse over the property of insane persons who are confined in the poorhouse, XL. 36.

upon a warrant for their commitment they shall be placed in the poorhouse, XL. 65, 66.

fees of an associate judge and the jury, when more than one inquest is held the same day, XLV. 53.

LUNATIC ASYLUM—

number of directors, their appointment, term of office, &c., XLIV. 67.

the admission, discharge and readmission of patients, and provisions as to the clothing and cleanliness of pauper patients at the time of their admission, XLI. 72, 73.

the admission into the asylum of persons acquitted of homicide on account of their insanity, XLII. 36.

the duty of the superintendent of, in relation to convicts in the penitentiary who are insane, XLIII. 73.

salary of officers, &c., XLIV. 126.

enlargement of building, XLI. 46.

MAD RIVER AND LAKE ERIE RAILROAD—

provisions relating to, XLI. 65, 66.

MANSFIELD AND NEW HAVEN RAILROAD—

provisions relating to, XLI. 65, 66.

MANSLAUGHTER—

how person proceeded against who is acquitted of offence on account of his insanity, XLII. 36.

MAPS—

copies of maps of public lands of U. States from the Secretary of State's office of this State made evidence, &c. XLIV. 65.

MANUFACTURER—

who deemed such under the law providing for taxation, and how his property listed, &c., XLIV. 93, 94.

MANUFACTURING COMPANIES. See also **CORPORATIONS**—

the act relating to the incorporation of manufacturing companies and for other purposes, XLIV. 37.
how sued, &c., and how far stockholders liable for debts, XLIV. 39.

MARRIAGE—

the suit of a female not to abate by her marriage, XLIII. 114.

MARRIED WOMEN—See **HUSBAND AND WIFE**.

MARSHAL—

fees for attending before an examining court, and testifying before the same, XLV. 53.

MASTER COMMISSIONER—

vacancy in office of, how filled in Scioto county, XLIII. 71.
sheriff of Hamilton county to act as such in the sale of lands, XLI. 73.
when to act as commissioner of insolvents, XLIV. 50.
when sheriff, acting as special master commissioner to sell real estate, may administer oath to the appraisers, XLIII. 87.

MAUMEE ROAD—

how managed, XLI. 102, 103.

MAYOR OF TOWN OR CITY—

entitled to a copy of the general laws, XLV. 48.

MEADOW—See **FENCES**.

MEASURES AND WEIGHTS—

the act providing for a uniform standard of, XLIV. 54.
how and what measures heaped, and what struck, XLIV. 55.
punishment for using unauthorized weights or measures, &c., unless, &c., XLIV. 56, 57.
the act of February 3, 1844, entitled "an act regulating weights and measures," &c., repealed, XLV. 30.

MECHANICS—

general law to create a lien in favor of, and the mode of proceeding to establish and liquidate such lien, XLI. 66 to 70.

MEETING HOUSE—

exempt from taxation, XLIV. 86.

MEMBERS OF THE GENERAL ASSEMBLY—

apportionment of representation, XLII. 63.
resignation, XLI. 61.
compensation, XLV. 19, 20.

MEMORIAL TO THE GENERAL ASSEMBLY—

requisites, notices, &c., relating to a memorial for or against a new county, or location or change of a county seat, XLII. 46.

MERCHANT—

who deemed such for taxation, and how to list, &c., his property for taxation, XLIV. 93.

MERIDIAN—

the act to authorize the establishment of the true meridian in each county, XLIII. 75.

MESNE PROCESS— See SUMMONS, CAPIAS AD RESPONDENDUM.

MIAMI EXTENSION CANAL—

the act providing for means, contracts, &c., for the completion of, XLI. 43 to 45.

MILAN CANAL COMPANY—

disposition of State stock in, XLIV. 36.

MILITARY DUTY—

firemen, &c., exempt from, XLV. 29, 30; XLIII. 23; XLIII. 69; XLI. 101.

MILITIA—

general act regulating, XLII. 53.

brigades in the 16th division, XLIII. 8.

amendatory act, commuting military duty to work on highways, &c., XLIII. 23.

certain brigades formed, XLIII. 74.

firemen, &c., exempted from duty, XLV. 29, 30; XLIII. 23; see XLIII. 69, XLI. 101.

the provisions in acts regulating the militia which limit their operation to a time of peace, repealed, XLV. 48; see XLII. 60.

alteration of the 16th division, XLIII. 8.

sheriff may require when inflicting capital punishment, XLIV. 45.

the act of March 13, 1843, (61, 99,) "an act to amend the act entitled an act to organize and discipline the militia," repealed, XLII. 60.

MINISTERIAL LAND—

to whom and when proceeds of sale paid over, and the interest thereon, XLIV. 121.

general law providing for the sale of ministerial land, and surrender of permanent leases, XLI. 20; XLII. 43.

terms of leases of, XLI. 62.

proceedings by religious societies to obtain moneys from the proceeds of, XLI. 62.

MINES—

how drains, roads, railways, &c., to, opened and established through the lands of others, XLV. 50.

MINERS— See GUARDIANS.

MISNOMER—

not to abate suit, and how corrected, XLIII. 114.

MISTAKE—

how pleadings and proceedings in courts amended, XLIII. 114.
how entries in the land office corrected, XLII. 6.

MONEY—

meaning of the word in tax law, XLIV. 85. See **BANKS AND BANKING.**

MONEY BROKERS— See **BROKERS.****MONROEVILLE AND SANDUSKY CITY RAILROAD—**

the sale of, &c., XLI. 63.

MORTGAGES—

by husband alone of property of his wife inoperative, unless, &c., XLIV. 75.
certified copy from the recorder's office of any county may be recorded in the county where the land is situate, and its effect, XLII. 77.

of personal property, when there is no actual change of possession: void if not filed with the clerk of the township, XLIV. 61, 62; when such mortgage may be filed with the recorder of the county, XLIV. 62; void if not renewed in one year, unless, &c., XLIV. 62; how copies obtained, and their effect in evidence, XLIV. 62; fees of officers for filing, &c., XLIV. 62.

MOTHER—

in what cases to list the property of her child, XLIV. 88.

MULATTOES—

Sec. 27. II. Swan's Stat. 600, relating to kidnapping revived, XLI. 13.
as to repeal of act of February 26, 1839, entitled "an act relating to fugitives from labor or service from other states," see XLI. 13.

MULES—

listing for taxation, XLIV. 90.

MURDER—

how person proceeded against who is acquitted of murder on account of his insanity, XLII. 36.

when two or more jointly indicted for, to be tried separately, XLII. 52.

NAMES—

how and by whom the names of persons, towns, and villages changed, XL. 28, 29.

mistake in the name of a party to a suit not to abate it, and how the mistake corrected, XLIII. 114.

when initial letter of the christian name, or the contraction of the christian name may be used in suits, XLIII. 114, 115.

NATIONAL ROAD—

general law relating to, XLI. 86 to 94.

liquidation, payment, &c., of claims of creditors, XLV. 27.

tolls pledged to pay debt and interest on debt, &c., XLV. 29; XLIV. 18.

contracts for repairs, how to be made, XLII. 73.

deeds for vacated gate lots, XLII. 51.

NATIONAL ROAD—*Continued.*

salary of gate keepers, tolls, and rules for enforcing the punctual collection of tolls, XLIV. 80, 81; and see XLIII. 89 to 92, 100; XLII. 73.
the settlement and payment of claims for work on XLIV. 116.
half gates to be erected on, XLIV. 119.
engineers on, and their general powers, duties, &c., XLIII. 89 to 92.

NEIL MOORE & COMPANY—

decision of the supreme court of the United States in their case *v.* State of Ohio, to be conformed to by the Board of Public Works, XLIV. 80.

NEGOTIABLE INSTRUMENTS—See BILLS OF LADING.

suits on may be joint against original makers and indorsers, and the pleading, evidence, defence, and costs, XLII. 72.
suits on by banks, XLIII. 67.
in what cases no damages allowed upon protested bills of exchange, XLIV. 69.

NEGROES AND MULATTOES—

Sec. 27, II. Swan's Stat. 600, relating to kidnapping, revived, XLI. 13.
as to repeal of act of February 26, 1839, entitled "an act relating to fugitives from labor or service from other states," see XLI. 13.

NEW COUNTY—

who may sign petition for, and remonstrance against the erection of a new county, and the mode of petitioning, and the proofs, &c., XLII. 46.

NEWSPAPERS—See LAWS AND JOURNALS.

NEW TRIAL—

practice and proceedings before a justice, XLIII. 57.

NORWALK BANK—

amendments to charter, &c., XLII. 19; XLIII. 50 to 54; and see XLII. 19.

NOTES—See FIELD NOTES. NEGOTIABLE INSTRUMENTS.

NOTICE—

in cases of forcible entry and detainer, or detainer only, XLIV. 69.
upon motion for a new trial before a justice when there has been a jury trial, XLIII. 57.
that a writ of error has issued, XLIII. 81.

by advertisements: of bids for state printing, XLIV. 60, 61; for voters to vote that county commissioners shall subscribe for stock in a corporation, XLIV. 82; of sale of lands delinquent for taxes, when, where and how made, XLII. 27; of bids for printing, &c., the Ohio Reports, XLIII. 4.

required to be made by officers, &c., in newspapers: rates which may be charged for, how set up, and affidavit of printer, &c., XLII. 43; see XLII. 26; fee of printer for his affidavit that he published, XLII. 43; if publication cannot be obtained on terms fixed by law, in proper county, where publication may be made, XLIV. 70; where, when and

NOTICE — Continued.

(required to be made by officers, &c., in newspapers — Continued.)

how lands delinquent for taxes to be advertised, XLII. 27; one paper containing list of forfeited and delinquent land to be sent by auditor of county to auditor of state, with copy of publisher's bill, XLIV. 70; forfeited lands, XLIII. 124; XLV. 64; XL. 4.

OATHS —

what cases the clerks of courts can administer, XLIV. 64.
the sheriff, when acting as special master in chancery to sell real estate, may administer oaths to appraisers, XLIII. 87.
certain commissioners appointed by the governor of this State, may administer oaths, XLII. 5.
meaning of the word "oath," in the tax law of 1848, XLIV. 86.

OATS —

how many pounds deemed a bushel, XLV. 30.

ODD FELLOWS —

mode of organizing, &c., so as to acquire corporate powers, XLIII. 70.

OFFENCES — See CRIMES AND MISDEMEANORS.**OFFICERS —**

to be prosecuted by the Attorney General for delinquencies, XLIV. 46.
what shall be deemed embezzlement by, and how punished, XLIV. 112, 113.
the compensation of certain officers not to exceed two dollars per day if fees taxed &c., XLII. 24; see XLIII. 123.
how officers of banks punishable for embezzlement and frauds, XLIII. 50.
a felon convicted in another State ineligible to an office here, XL. 30.

OFFSET —

in suits brought by receivers in chancery, XLIV. 51.

OHIO REPORTS —

the printing, paper and binding, XLIII. 4.
publication of cases decided in 1841, 1842, and how volume distributed, &c., XLI. 1.
how volumes numbered, and as to the publication of the arguments, &c., XL. 27.

ORAL ARGUMENTS —

in the court in bank, XLIII. 81.

ORCHARDS —

throwing down fence, &c., how punished, XLIV. 76.
injuring, &c., how punished, XLIII. 128; XLIV. 44.

ORIGINAL SURVEYED TOWNSHIPS —

trustees of: for what period public land leased by them, XLI. 62; penalty for not qualifying or accepting office, XLI. 62.

ORNAMENTAL TREES —

injuring, &c., how punished, XLIII. 128; XLIV. 44.

OVERSEERS OF THE POOR —

the office abolished and the trustees of the township to perform their duties, XLIII. 20.

PARDON OF CRIMINALS —

no attorney to take a fee for procuring a pardon, XLIV. 7.

when done by a governor of another State, it restores the convict to his privileges if he becomes a citizen of this State, XL. 30.

PARTIES TO ACTIONS —

in suits by or against limited partnerships, XLIV. 32; by or against manufacturing companies, XLIV. 37, 39; by receivers, XLIV. 51; by or against a partnership in its firm name, XLIV. 66; by a bank against parties to a note or bill, &c., indorsed to the bank, XLIII. 67; upon a negotiable instrument against maker, &c., XLII. 72; upon an instrument not negotiable, which has been assigned by a dissolved corporation, XLIII. 94, 95; against unknown heirs or devisees when sued in chancery, XLIII. 125.

when initial letter or contraction of christian name may be used in a suit to designate the party, XLIII. 114, 115.

PARTITION —

place where the sale by the sheriff to be made, XLV. 59.

PARTNERSHIPS —

the act to authorize and regulate limited partnerships, XLIV. 29.

to list their property for taxation, XLIV. 88, 89.

in what name suits brought by or against: limited partnerships, XLIV. 32; other partnerships, XLIV. 66.

when sued in the name of the firm, how the process served — the pleadings and proof, and upon what property execution to be levied, and the proceedings in chancery against the members of the firm, XLIV. 66.

when they sue in the name of their firm, to give security for costs, XLIV. 66.

PAUPERS —

punishment for fraudulently removing, so as to charge their support upon another township, XLIII. 77.

PEDLERS —

general law relating to licenses to, XLIV. 82.

penalties against those who have no license, XLIV. 83.

the act in XLI. 48, repealed, XLIV. 82.

PENALTIES AND FINES —

county commissioners cannot remit fine or judgment for selling liquor or keeping tavern without license, XLV. 49.

how justices of the peace to annually report to the county auditor the fines assessed, &c., and penalty for not doing so, XL. 54.

how disposed of: under the act relating to gambling and gamblers, XLIV. 11; under the act for the more effectual protection of inclosures, XLIV. 76; against pedlers, XLIV. 83; penalties relating to public works of the State, XLIV. 123; for bringing indigent persons or lunatics into town-

(PENALTIES AND FINES—Continued.)

ship or county, &c., XLIII. 77, 78; against manufacturers of salt, XLV. 23; under the act regulating the sale of intoxicating liquors in certain counties, XLV. 40.

PENITENTIARY—

guards for, and their compensation, XLII. 23, 42.
contracts for convict labor regulated, &c., XLIV. 54; XLIII. 127.
how the profits of the prison appropriated, &c., XLIV. 54.
its railroad and stone quarry, &c., XLIII. 126, 127.
when and how deputy warden appointed, and his powers, duties, and salary, XLIII. 73.
how insane convicts provided for, XLIII. 73.
the salary of its physician, XLIV. 126.

PERSONAL PROPERTY—

its meaning in the tax law, XLIV. 85.

PETITION—

general requisites, &c., of a petition for a new county, or location or change of county seat, XLII. 46.

PHYSICIANS—

salaries of those employed at the public institutions at Columbus, XLIV. 126.
duty of the physician to the penitentiary in relation to insane convicts, XLIII. 73.
what property of exempt from execution XLII. 28.

PIANO FORTE—

how listed, &c., for taxation, XLIV. 90.

PLANK—See LUMBER.**PLANTS—**

severing, injuring, &c., how punished, XLIII. 128; XLIV. 44.

PLEAS AND PLEADING—

in suits by and against banks and bankers, XLIII. 67.
in joint suits against the makers and indorsers of negotiable instruments, XLII. 72.
allowance to reply or rejoin several matters, XLIII. 115.
if demurrer overruled, and plea over, and verdict against the party who demurred, he may again bring up the question made by the demurrer on a writ of error, XLIII. 80.
when and upon what terms amendments allowed, XLIII. 114.
what defects cured by a verdict, XLII. 72.

POLICIES OF INSURANCE—

practice and proceedings in suit upon, XLV. 17, 18.
insurance upon the life of the husband may enure to the benefit of his wife and children, though his estate be insolvent, XLV. 53, 54.

POOR—

punishment for fraudulently removing a pauper to charge him upon another township, XLIII. 77.

POOR HOUSE—

directors of: their election, term of office, how vacancies filled, their sale and disposition of the real and personal estate of paupers, **XL. 35, 36.**
how their orders to pay for provisions, labor, medical attendance and supplies; drawn and paid, **XLIII. 100**; persons under process of commitment, &c., to be lodged in the poor house, **XL. 65, 66.**

POOR, OVERSEERS OF—

their office abolished, and their duties devolved upon the trustees of the township, **XLIII. 20.**

POWDER—

exploding near a highway, how punished, **XLIII. 17.**

POWERS OF ATTORNEY—

commissioners appointed by the governor of this state may take the acknowledgment of, **XLII. 5.**
when made to a bank for the confession of a judgment, the judgment may be taken without giving the debtor notice, **XLIII. 68**; **XL. 33.**

PRACTICE OF COURTS—See **ACTIONS, RULES, INDICTMENT, CHANCERY, SUMMONS, EXECUTION, &c. &c.****PRECIPE—**

in an action of replevin before a justice of the peace, **XLIV. 42, 43.**

PREMIUMS—

by agricultural societies, **XLIV. 71.**

PRESIDENT JUDGE—

when and how to order a special term of the court, **XLIV. 40.**
allowance of writs of error coram nobis, **XLIII. 80.**
allowance of injunction, and directing amount and condition of the injunction bond, **XLIII. 125, 126.**
appointment of receivers, **XLIV. 51**; see **XLIII. 126.**
to establish rules, &c., of county jails, **XLI. 74.**

PRINCIPAL AND SURETY—

privileges and liabilities of those who are in fact sureties for the payment of money to a bank, although the contract states that they are principals, **XLIII. 67, 68.**
sureties upon the bond of a guardian may compel the guardian to indemnify them, **XL. 48, 49.**
where suit must be brought before a justice, if some of the defendants are principals and some jointly liable as sureties, **XLV. 52.**

PRINTERS—

rates which they may charge for printing legal advertisements, how to print them, and their affidavit, **XLII. 43**; see **XLII. 26**; see **ADVERTISEMENTS.**

PRINTING FOR THE STATE —

proposals and bids for—how obtained—reception of bids—how printing to be executed—the accounts—duties of officers, &c., as to contracts for the printing—bond and forfeiture, XLIV. 60, 61; XLIII. 82; and see XLIII. 4.

the printing of the Ohio Reports, XLIII. 4; XLI. 1.

when the laws of a general nature to be printed, XLII. 82.

printing of extra copies of the laws and journals, and distribution to publishers of newspapers, &c., XLI. 98.

copies of laws to be furnished to certain publishers of newspapers at the seat of government, &c., XLI. 98.

PRISONER — See HABIAS CORPUS, BASTARDY.**PRIVATE SECRETARY OF GOVERNOR —**

salary, xv. 87.

PROCESS. See the names of the various process, as SCIRE FACIAS, SUMMONS, &c. &c.—

when summons or *capias ad respondendum* is issued by a justice against two or more, how served and returned, and proceedings thereafter, XLIV. 48.

how served when a suit is brought against a firm in the firm name, XLIV. 66.

when and upon what terms amended, XLIII. 114.

PROMISSORY NOTES —

suits on by banks against the maker and indorsers jointly, and the pleadings, &c., in such case, XLIII. 67.

suits in like manner by other than banks, XLII. 72.

PROOF — See EVIDENCE.**PROSECUTING ATTORNEY —**

duties of, &c.: as informer upon and prosecutor of gamblers, &c., XLIV. 12; as informer upon and prosecutor of those who circulate bank bills of other States, &c., contrary to law, XLIV. 14; in proceedings against unlicensed brokers, XLIV. 120; in suits against county fund commissioners, XLIII. 69; in proceedings against persons who bring indigent persons or lunatics into the county, XLIII. 78; or who trespass upon the public lands, XL. 57, 58; or officers who neglect their duty relating to the taking of the census, XLII. 1; as to attending to bills of interpleader for the treasurer of the county in certain cases, XLIII. 124; to keep cash book or journal of all moneys received officially, &c., XL. 25.

PUBLIC ARMS —

how bond or receipt for public arms credited on account of inevitable accidents to the arms, XLIV. 68.

PUBLIC EXECUTIONS —

how conducted, XLII. 71; XLIV. 45.

PUBLIC WORKS. See CANALS, RAILROADS, TURNPIKE ROADS, BOARD OF PUBLIC WORKS, NATIONAL ROAD, &c. &c.

PURCHASER —

how purchaser at judicial sales protected, XLIV. 114, 115.

QUARRY —

stone quarry for penitentiary, &c., XLIII. 126 ; may be used for the State House, XLIV. 54.

railways, roads, drains, tunnels, &c., to quarry, how established, XLV. 50, 51.

QUARTER MASTER GENERAL —

term of office, XLI. 101.

salary, XLII. 23.

QUORUM —

the act to preserve a quorum in the General Assembly, and regulating the resignations of the members thereof, XLI. 61.

QUO WARRANTO. See CORPORATIONS —

when the Attorney General to prosecute, XLIV. 46.

proceedings after judgment of dissolution against a corporation, XLIII. 94.

the judgment when a corporation has misused a franchise, or exercised one that it did not possess, or has forfeited or surrendered its franchise, XLIII. 94.

RAFTS —

navigation of rafts of round and unhewn timber on the canals, XL. 88 ; XLIV. 32, 67.

RAILROADS —

further loan of the credit of the State to, and payments &c., thereon withheld, XL. 65 ; XLI. 97.

punishment of principal, accessories, &c., who injure railroads or railroad property, &c., XLIII. 92, 93.

punishment for injuring, &c., the railroad and its appurtenances, which is connected with the penitentiary, XLIII. 127.

the vote of qualified electors to be first taken before county commissioners can subscribe for stock, and what proceedings to be had in relation to such vote, XLIV. 82.

by whom, where and how the railroad from the penitentiary to a State quarry constructed, &c., XLIII. 129.

stone for the State House carried thereon without charge, XLIV. 54.

right of way granted for a railroad from Cincinnati to St. Louis, XLV. 38.

how railroads to and from mines, &c., opened and established through the lands of others, XLV. 50, 51.

the sale of the Monroeville and Sandusky City railroad, XLI. 63.

the loans of credit, &c., by the State to the Little Miami Railroad Company and the Mad River and Lake Erie Railroad Company turned into stock, &c., XLI. 65.

REAL PROPERTY —

meaning of these words in the tax law, XLIV. 85.

RECEIPT —

punishment of warehouseman and any one who for him gives a false warehouse receipt to defraud, &c., XLIV. 84.

RECEIVER IN CHANCERY —

notice to be given of application for, XLIV. 51;

in what cases and by whom appointed, and his oath, bond, powers and duties, XLIV. 51; XLIII. 128.

listing property for taxation, XLIV. 88.

how compelled to pay taxes on property, XLV. 64;

appointment of, in a suit by a creditor against a turnpike company in which the State is a stockholder, XL. 37, 38.

appointment, bond, powers and duties, in case a bank chartered under the act of 1845, is insolvent, XLIII. 35, 40, 41; XLIV. 88.

RECEIVER OF BANKS —

to list taxable property, XLIV. 88.

how compelled to pay taxes, XLV. 64.

their appointment, bond, powers and duties, under the bank law of 1845, XLIII. 35, 40, 41.

RECEIVER OF PUBLIC LAND — See CANAL LAND, LAND OFFICE.**RECOGNIZANCE — See BOND.**

for an appeal under the act relating to gamblers and gambling, XLIV. 12.

may be made returnable at a special term of the court of common pleas, XLIV. 41.

taken by sheriff for the appearance of the putative father of a bastard child, XLIII. 65.

special provisions as to recognizances in Cuyahoga county, XLII. 17.

judgment on may be reduced by the court in certain cases, XLI. 45, 46.

RECORDER OF COUNTY —

power, duty and fees as to filing, &c., mortgages, &c., of personal property, XLIV. 61, 62.

to provide a book for, and to record the organization and appointment of trustees for any benevolent, odd fellow, literary, religious or scientific associations, and fees therefor, XLIII. 70; XLII. 69.

as to his keeping cash books, XLIII. 123.

duties, &c., under the "retrenchment law" of 1844, XLII. 25, 26; see XLIII. 123.

may transcribe certified copies of deeds taken from the records of other counties, and the effect thereof, XLII. 77.

when to join in the appointment of a township assessor, XLIV. 97.

effect of not keeping his office at the county seat, XLII. 77.

fees and compensation: under the "retrenchment law" of 1844, XLII. 24; see XLIII. 123; for recording papers under the act creating a lien in favor of mechanics and others, XLI. 69, 70.

employment and salary of assistants, XLIII. 123.

RECORDS — See COPIES, EVIDENCE.

in what cases the clerks of courts may omit to make records, unless, &c., and not to record depositions, XLII. 47.

REDEMPTION OF LAND —

after sale upon forfeiture for taxes, and the proceedings in such case, XLIII. 124; in 1842-'43 which were before forfeited to the State and then remained unsold, XL. 4 to 6.

REED, JOSHUA —

administrator de bonis non, allowed two years to settle a certain estate, XLIV. 77.

REFORMATION, HOUSE OF —

escheated property in Cincinnati appropriated to the erection of, XLV. 45.

REGISTER OF LAND OFFICE. See CANAL LAND —

powers and duties in relation to errors in entries, and when the title of a purchaser is defective, XLII. 6.

REGISTRY OF VOTERS —

in certain counties, XLIII. 116.

REHEARING — See NEW TRIAL.**REJOINDER —**

right to rejoin several matters, XLIII. 115.

RELIGIOUS FUNDS. See MINISTERIAL LANDS —

how proceeds of ministerial lands obtained by religious societies, XLI. 62; XLIV. 121.

RELIGIOUS SOCIETIES —

not dissolved, &c., by failing to elect officers; how to organize, elect officers, &c., if they failed to organize and elect officers on the day appointed by their act of incorporation, XLIV. 79, 80.

if organized under a special act, they may reorganize under a general act, and still hold their property, &c., XLIV. 80.

what property of, exempt from taxation, XLIV. 86, 87, 89.

in whose name their property to be listed, XLIV. 89.

their mode of organizing and acquiring corporate powers without in fact being incorporated, XLII. 69; see XLIII. 70.

their proceedings to obtain moneys derived from the ministerial lands, XLI. 62.

REMONSTRANCE TO THE LEGISLATURE —

against new county, or change, &c., of county seat, requisites of, &c., XLII. 46.

RENTS —

on leases for a term exceeding fourteen years, and renewable, how listed, taxed, &c., XLV. 65, 66.

REPLEVIN —

action and practice before justices of the peace, XLIV. 43.

service of the process out of the township in which the defendant resides, XLV. 55.

REPLICATION —

the right to reply several matters XLIII. 115,

REPORTER OF THE COURT IN BANK —

appointment, salary, duties, &c., *XL. 27, 28*; see also *XLI. 1*; *XLIII. 4*.

REPORTS OF THE COURT IN BANK —

the printing, paper and binding, *XLIII. 4*.

publication of cases decided in 1841, 1842, and how volume distributed, &c., *XLI. 1*.

how volumes numbered, and as to the publication of the arguments, &c., *XL. 27*.

REPRESENTATIVES, HOUSE OF —

apportionment of representation in the General Assembly, *XLII. 63*.

compensation of members, *XLV. 19, 20*.

resignation of members, *XLI. 61*.

RESIDENT ENGINEERS — See ENGINEERS.**RETRENCHMENT LAW — XLII. 21.**

so much as requires cash books to be kept, provisionally repealed, *XLIII. 123*.

See **SALARIES, FEES.**

REVOLUTIONARY SOLDIERS —

exempt from taxation to a certain extent, *XLV. 51*.

ROADS —

State roads: powers and duties of county commissioners to lay out and establish, and the petition and proceedings in such case, *XLIV. 74*; free turnpike roads may be changed into State roads, and how, *XLIV. 74*.

county roads: the width generally, and when and how width reduced, *XLII. 18, 19*; the width when on or adjoining the boundary line of the State, *XLI. 58*.

township roads: work on, in certain counties, *XLV. 19*.

roads to mines, quarries, low lands, &c., how opened, established, &c., *XLV. 50, 51*.

work upon roads: in lieu of military duty, and commutation thereof, *XLIII. 23*; who exempt on account of military duty from working upon, *XLIII. 23*; how and when work done on township roads in certain counties, *XLV. 19*; firemen, &c., exempt from working on, *XLV. 29*; see *XLI. 101*; *XLIII. 23, 69*.

taxes for repair, &c., of roads: how, and how much applied to free turnpikes, *XLIII. 106, 107*; when the county commissioners in certain counties determine the amount of the tax, and how collected, *XLV. 59, 60, 66*.

free turnpike roads: mode of laying out, establishing, &c.—application of taxes to, and general powers and duties of commissioners and other officers of such roads, *XLIII. 106 to 108*; bond, appeal and costs in proceedings to relocate a free turnpike, *XLIV. 6*; by whom and how changed into a State road, *XLIV. 74*.

ROADS—Continued.

roads in which the State is a stockholder : the act for the relief of the creditors of such roads, **XL. 37, 38** ; **XLV. 35, 36** ; the grant of State bonds or certificates of State stock to such roads, **XLI. 84, 85, 97** ; the examination of their affairs by the Auditor of State, **XLI. 84, 85** ; how their tolls to be applied, **XL. 38** ; further subscriptions of the State to the stock of turnpike companies withheld, **XL. 65**.

turnpike roads and turnpike companies : county commissioners not to subscribe for the stock, although authorized to do so by a special law, until directed by a vote of the qualified voters of the county, &c., **XLIV. 82** ; how companies organized—subscription for stock—number of directors—shares of capital stock, tollgates, &c., **XLIII. 101** ; power of entering upon, using, &c., land and materials of others, and proceedings, compensation, &c., in such case, **XLI. 60, 61**.

tolls on turnpike roads : acts regulating and equalizing, **XLIV. 84** ; **XLIII. 101** ; **XLII. 44** ; **XL. 32** ; as to toll for the fractional part of ten miles, **XLIV. 86** ; disposition, &c., of the tolls on turnpikes in which the State is a stockholder, **XLV. 36**.

supervisor of roads : but one to be named on each ballot at an election, **XLII. 7** ; his power to appropriate road work to a free turnpike, **XLIII. 107** ; when and how to work township roads in certain counties, **XLV. 19** ; how to connect roads with the National Road, **XLI. 90, 89** ; how to pay for timber, stone, or gravel taken to repair roads, **XL. 37** ; his compensation, **XLIII. 8**.

ROAD TAX — See ROADS.**ROOTS, (Cultivated)—**

how the injuring, destroying, &c., punished, **XLIII. 128** ; **XLIV. 44**.

RULES—

by whom rules for government of jail established, **XLI. 74**.

the court in bank may establish for the admission of documents in evidence without proof, &c., **XLIII. 115**.

RYE—

weight of a bushel, **XLV. 30**.

SAFETY FUND —

how the safety fund of the branches of the State Bank created, and managed, and disposed of, &c., **XLIII. 33 to 35**.

SALARIES —

under the retrenchment law of 1844, **XLII. 21 to 27**.

of the judges, **XLIV. 33**.

the Attorney General, **XLIV. 47**.

the Governor, Secretary, Treasurer and Auditor of State, officers of the Lunatic Asylum, the clerks in the State offices, secretary to the Fund

Commissioners, Physician to the Penitentiary, and Engineers, **XLIV. 126**.

the members of the Board of Public Works, **XLIII. 63**.

the Warden of the Penitentiary, &c., **XLII. 23**.

SALARIES—Continued.

- the deputy Warden of the Penitentiary, XLIII. 73.
- the State Librarian and private secretary of the Governor, XLV. 37.
- the superintendents of the asylum for the Blind, and the Deaf and Dumb, XLIV. 111.
- See under the head of the names of the various officers.

SALE BILL—See MORTGAGES, ASSIGNMENTS.

SALES—See CANAL LANDS.

- of land, how made, &c.:* by guardians of minors, XLIV. 58; by guardians of idiots or lunatics, XLIII. 74; on petition for partition, XLV. 59; of school and ministerial land, XXI. 20; XLII. 43; of land delinquent for taxes, XLII. 27, 62; XLI. 5; of land forfeited to the State for nonpayment of taxes, XLIII. 124; XLV. 64; XL. 4 to 6.
- rights and liens of purchaser at tax sale, XLV. 24; XLIV. 115; XLV. 24; and see Swan's Stat., 929, 931.
- when sales under execution or by a guardian or an executor or administrator are invalid, how the purchaser protected, XLIV. 114, 115.
- the remedy of a purchaser at the land office of the State if the title is not good or the entry erroneous, XLII. 6.
- an administrator de bonis non may complete proceedings for a sale commenced by his predecessor, XLIII. 20, 21.
- when property taken on execution is claimed by a third person, how sale may notwithstanding be made under the execution, XLV. 55.

SALT—

- how to be barrelled, branded, &c., and penalties to enforce the same, XLV. 22.
- law relating to the inspection of, &c., repealed, XLV. 22; see XLII. 33, 71; XL. 24.

SANDUSKY BANK—

- amendments to charter of, &c., XLII. 40; and see XLII. 19; XLIII. 50 to 54.

SCHOOL DIRECTORS—

- term of office, and how vacancies filled, XL. 49.
- to fix the period for paying the taxes to repair or furnish a school house, XL. 52.
- two a quorum, and may draw orders for money, XL. 52.
- to establish rules, &c., as to common school library, XLIV. 81.
- when they may give notice of the special election of directors, &c., XLIII. 96.

SCHOOL DISTRICTS—

- may be laid off, although forming parts of different counties, XLIII. 132.
- division of sub school districts, in incorporated towns, into separate districts, &c., XLII. 48.
- alteration of school districts without the assent of a majority of the resident householders, and vacating school districts, XL. 51; XLI. 59.

SCHOOL EXAMINERS—

- who to act as chairman of the board of, in certain counties, XLV. 33;
- county board of, in certain counties, to receive and expend certain funds,

(SCHOOL EXAMINERS—Continued.)

and report the number of teachers, &c., to the Secretary of State, &c., XLV. 67.

their certificate in certain counties invalid unless signed by the county superintendent, and how such certificate renewed, XLV. 33.

SCHOOL FUND—

when money received from section 16 to be paid over to the State Treasurer, and the interest thereon, XLIV. 121; XL. 51.

certain interest to be paid to common school fund, XLI. 82.

appropriations for and transfer of fund to, and proceeds of licenses to peddlers and auctioneers, and auction duties and fines relating to the same, applied to the school fund, XLII. 38; XLI. 97; XL. 62.

not to exceed \$200,000, XLII. 38; see XLI. 97; XL. 62.

apportionment of, annually, XL. 50, 51.

how distributed when a school district is composed of parts of different counties, XLI. 82.

how township tax distributed when the district is composed of parts of different townships, XL. 50.

certificate of teacher to draw money when the district is composed of parts of different counties, XLI. 59.

SCHOOL HOUSE—

the time when taxes to repair or furnish to be paid, XL. 52.

how debts incurred for repairs, &c., to be paid, XLI. 59; see XLII. 48.

exempt from execution, XL. 51, 52.

exempt from tax, XLIV. 86.

SCHOOL HOUSE LOT—

exempt from execution, XL. 51.

exempt from tax, XLIV. 86.

SCHOOL LAND—

general laws providing for the sale of and the surrender of permanent leases, XLI. 20; XLII. 43.

for what price to be sold, XLIII. 57, 58.

time, &c., given purchaser of school land to pay for the same, XLV. 21, 22; XLII. 39; XLI. 4.

apportionment and payment of interest when section 16 lies in different counties, XL. 51.

trespassers upon, XL. 57.

valuation, assessment, taxes, &c., on such as is under lease, XLII. 61; see XLIV. 122.

when the proceeds of sales to be paid to the State Treasurer, and interest thereon, XLIV. 121.

SCHOOL LAWS—

their publication and distribution, &c., XL. 50, 51.

SCHOOL TAX—

rates of for 1847, XLV. 58.

county commissioners not to levy more than two-fifths of a mill, XLV. 64.

to pay salary of county superintendent of common schools, XLV. 32.

assessment on school lands under lease, XLII. 61; see XLIV. 122.

SCHOOL TAX—Continued.

- by whom the time when tax to repair or finish a school house to be fixed, XL. 52.
- to pay liabilities upon judgments or decrees, XLII. 48; XLI. 59; see XLII. 48.
- how township tax distributed when the district is composed of parts of different townships, XL. 50.

SCHOOLS. See SCHOOL DIRECTORS, SCHOOL DISTRICTS, SCHOOL EXAMINERS, SCHOOL FUND, SCHOOL HOUSE, SCHOOL TAX, SCHOOL TEACHERS—

- libraries for, XLIV. 81.
- county superintendent of, in certain counties, XLV. 32 to 34.
- rights, &c., when a child attends a German school, XLV. 26, 27.
- as to children attending a German school out of the district, XL. 52.
- foreigners voting in matters relating to, XLI. 59, 60; see Swan's Stat. 844.

SCHOOL TEACHERS—

- certificate of teacher to draw money when a school district is composed of parts of different counties, XLI. 59.
- requisites of certificate of qualification, and how signed and renewed in counties where a county superintendent of common schools is elected, XLV. 83.

SCIENTIFIC SOCIETIES—

- not dissolved, &c., by failing to elect officers; how to organize, elect officers, &c., if they failed to organize and elect officers on the day appointed by their act of incorporation, XLIV. 79, 80.
- if organized under a special act they may reorganize under a general act, and still hold their property, &c., XLIV. 80.
- what property of, exempt from taxation, XLIV. 86, 87, 89.
- in whose name their property to be listed, XLIV. 89.
- their mode of organizing and acquiring corporate powers without in fact being incorporated, XLIII. 70.
- See CORPORATIONS.

SCIOTO COUNTY—

- how vacancy in the office of master commissioner in, filled, XLIII. 71.

SCIRE FACIAS—

- what execution to issue upon, and the lien of a judgment in scire facias upon suggestion of lands, XLIV. 48.
- to be issued by justices of the peace in civil cases to make parties to judgments rendered against some of the defendants only, XLIV. 48, 49; XLV. 52.
- to be issued by the successor of a justice if bail for the stay of execution be insufficient, &c., XLIV. 49.
- to be issued for fines, &c., on judgments rendered by a justice who is dead or has resigned, &c., XL. 54.

SEALERS OF WEIGHTS AND MEASURES—

- appointment, powers, duties and fees, XLIV. 55 to 57.

SEARCH WARRANT—

against gamblers, &c., XLIV. 11, 12.

SEATS OF JUSTICE—

requisites, &c., of petition for and remonstrance against establishing or changing, XLII. 46.

director of to render account of sales of lots, &c., XLIII. 18.

SECRETARY OF STATE—

powers and duties, &c.: as sealer of weights and measures, XLIV. 55; as to advertising and receiving bids for state printing, XLIV. 60, 61; relating to field notes, maps, records, &c., of public lands in Ohio which have been received from the surveyor of the U. States, XLIV. 65; as to preparing rules and regulations for county surveyors, XLIV. 65; as to furnishing paper, attending to binding of the laws, &c., and measuring and passing upon account of state printing, XLIII. 83 to 87; and see XLIII. 4; as to printing, &c., the Ohio Reports, XLIII. 4; as to the State Library, XLIII. 58, 59; and see XLIII. 4; as to refuse property furnished to the members of the General Assembly, XLII. 21, 22; as to the bond of contractor for the distribution of the laws and journals, &c., XLII. 22; as to forwarding to each county four copies of the general laws by mail, XLII. 82; when to furnish copies of general laws to certain publishers of newspapers at the seat of government, XLI. 96.

salary as secretary and superintendent of common schools, XLIV. 126.

fees for copies of field notes, &c., of public lands, XLIV. 65.

salary of clerk, XLIV. 126.

SECRETARY OF THE GOVERNOR—

his salary, XLV. 37.

SECURITY—

for costs: by foreign guardian, XLIV. 58, 59; in suits in the partnership name only, XLIV. 66; in criminal cases before a justice of the peace, XL. 53; in suits brought upon a claim not negotiable assigned by a dissolved corporation, XLIII. 94, 95; when the plaintiff before a justice removes from the township in which the suit is brought, XLV. 52.

privileges and liabilities of those who are in fact sureties for the payment of money to a bank, although the contract states that they are principals, XLIII. 67, 68.

sureties upon the bond of a guardian may compel the guardian to indemnify them, XL. 48, 49.

where suit must be brought before a justice, if some of the defendants are principals, and some jointly liable as sureties, XLV. 52.

SENATE OF OHIO—

apportionment of representation in, XLII. 68.

resignation of members, XLI. 61.

compensation of members, XLV. 19, 20.

special session for 1842, XL. 31.

SENTENCE OF CRIMINALS—

to hard labor instead of imprisonment in the county jail, XLIII. 79; XLIV. 9.

SEPARATE PARCEL OF LAND or real estate—

meaning of the words in the tax law, XLIV. 86.

SEPULTURE—

opening, disturbing body, &c., how punished, &c., XLIV. 77.

SERGEANT-AT-ARMS AND ASSISTANTS—

compensation, XLV. 20.

how to preserve refuse property, &c., furnished to the members of the General Assembly, XLII. 21.

SERVICE OF PROCESS—See the names of the various writs, and **SHERIFFS—CONSTABLES**.**SESSIONS OF COURTS**—See **COURTS**.**SET OFF**—

in suits brought by receivers in chancery, XLIV. 51.

SEWERS—

the act providing for the appointment of commissioners of, in certain counties, XLIV. 133.

how drains, &c., established through lands of others, to a mine, swamp, &c. XLV. 50, 51.

SHEEP—

listing, &c., for taxation, XLIV. 90.

SHERIFFS—

general powers and duties: under the "retrenchment law" of 1844, XLII. 25, 26; see XLIII. 123; XL. 25; when special term of court ordered, XLIV. 40, 41; as to process issued from Franklin county against corporations or debtors of the State, XLIV. 47; as to the administration of oaths to appraisers when acting as master commissioner, XLIII. 87; as to selling property on execution, although the claimant obtains a verdict in his favor, XLV. 55; as to the collection of costs in cases of conviction to the penitentiary, XLII. 30; as to keeping cash books, XLII. 25; XLIII. 123; XL. 25; under the act for the regulation of the county jails, XLI. 74 to 77; as to informing upon and prosecuting gamblers, &c., XLIV. 11, 12; as to executing the sentence of death, XLIV. 44, 45; as to taking the recognizance of the putative father of a bastard child, XLIII. 65; as to paying over proceeds of convict labor, XLIII. 79;

effect of not keeping his office at the county seat, XLII. 77;

fees under the "retrenchment law," XLII. 21; see XLIII. 123.

SHINGLES—See **INSPECTORS**.**SHIPWRECKED PROPERTY**—

penalties for concealing, embezzling, not giving notice of finding, &c., XLIII. 54.

SHOOTING—

punishment for exploding gunpowder near a public highway, XLIII. 17.

SHOWS —

price of permit to exhibit, and how proceeds appropriated, **xl.v. 43.**

SHRUBBERY —

severing, injuring, destroying, &c., how punished, **xl.iii. 128 ; xl.iv. 44.**

SINKING FUND —

canal fund commissioners to act as commissioners of the sinking fund, **xli. 56.**

SLAVES AND NEGROES —

Sec. 27, II. Swan's Stat. 600, relating to kidnapping, revived, **xli. 13.**
as to repeal of act of February 26, 1839, entitled "an act relating to fugitives from labor or service from other States," see **xli. 13.**

SOCIETIES, Literary, Scientific, Odd Fellow, &c.

not dissolved, &c., by failing to elect officers ; how to organize, elect officers, &c., if they failed to organize and elect officers on the day appointed by their act of incorporation, **xliv. 79, 80.**

if organized under a special act they may reorganize under a general act, and still hold their property, &c., **xliv. 80.**

what property of exempt from taxation, **xliv. 86, 87, 89.**

in whose name their property to be listed, **xliv. 89.**

their mode of organizing and acquiring corporate powers without in fact being incorporated, **xl.iii. 70.**

See **CORPORATIONS.**

SPECIAL TERMS OF COURTS —

when to be held, what may be done at, and proceedings preliminary to the holding of such terms, **xliv. 40.**

as to special terms in Franklin county, see **xl.iii. 64, 65.**

SPIRITUOUS LIQUORS —

an act regulating licenses, taverns, prosecutions, and the sale of intoxicating liquors in certain counties, **xl.v. 39 to 42.**

the county commissioners cannot remit fines assessed for selling without license, **xl.v. 49.**

incorporated towns not to license groceries, taverns, &c., so as to authorize the retail of liquors, **xl. 53.**

STAGE COMPANIES —

how and by whom entered for taxation, &c., **xliv. 106, 109.**

STAGNANT WATERS —

how drains, &c., through lands established, &c., **xl.v. 50, 51.**

STANDARD OF WEIGHTS AND MEASURES —

general law relating to, **xliv. 54.**

STATE AGRICULTURAL FUND —

how created, &c., **xl.v. 43 to 45, 49.**

STATE AUDITOR —

powers and duties, &c.: under the act for the erection of the new state house, XLIV. 53; under the act for the settlement and payment of claims for work on the national road, XLIV. 117; under the act for the relief of the creditors of the national road, XLV. 27; under the act for the relief of the creditors of turnpike companies in which the State is a stockholder, XLV. 35; under the act relating to the sale of stock and issuing of State bonds at 7 per cent. &c., to pay domestic creditors of the State, &c., XLI. 84; upon the proceedings of the State Board of Equalization for the year 1846, XLIV. 105; as to the aggregate per centum of taxation and notice thereof, XLIV. 105; as to rate of taxes upon stage companies, joint stock companies, &c., XLIV. 108, 109; as to the application of taxes upon banks and insurance companies, XLIV. 122; as to schedules, &c., of checks, and the checks of acting commissioners of the Board of Public Works, XLII. 75, 76; as to the annual apportionment of the school fund, XL. 50; under the act relating to the receipt and disbursement of the canal fund, XLIV. 123 to 125; see XLI. 56; under the act to provide for the state printing, XLIII. 84 to 86; see XLIII. 4; in relation to lands forfeited to the State for taxes, and their redemption, XL. 4 to 6; when title of purchaser of canal land, &c., from the State is defective, XLII. 6; as to appointing agent to examine banks, XLIII. 40; as to insolvent banks, and the examination of banks under the act of 1845, XLIII. 40, 42.

salary, XLIV. 126.

clerks in his office, XLIV. 126.

STATE BANK — See BANKS AND BANKING.**STATE BOARD OF EQUALIZATION — See BOARD OF EQUALIZATION.****STATE BONDS —**

how issued to the domestic creditors of the State, and general provisions relating to, XLI. 80 to 85.

See also FUND COMMISSIONERS.

STATE HOUSE —

erection of, XLIV. 52.

STATE LIBRARIAN —

powers, duties, &c., as one of the commissioners of the library, XLIII. 58, 59.

his salary, XLV. 37.

STATE LIBRARY —

commissioners of, and regulations of library, &c., XLIII. 58, 59.

STATE PRINTING —

proposals and bids for—how obtained—reception of bids—how printing to be executed—the accounts—duties of officers, &c., as to contracts for the printing—bond and forfeiture, XLIV. 60, 61; XLIII. 82; and see XLIII. 4.

the printing of the Ohio Reports, XLIII. 4; XLI. 1.

when the laws of a general nature to be printed, XLII. 82.

STATE PRINTING — *Continued.*

printing of extra copies of the laws and journals, and distribution to publishers of newspapers, &c., *XL*. 98.

copies of laws to be furnished to certain publishers of newspapers at the seat of government, &c., *XL*. 98.

STATE PRISON — See PENITENTIARY.

STATE ROAD — See ROADS.

STATE'S ATTORNEY —

duties of, &c.: as informer upon and prosecutor of gamblers, &c., *XLIV*. 12; as informer upon and prosecutor of those who circulate bank bills of other States, &c., contrary to law, *XLIV*. 14; in proceedings against unlicensed brokers, *XLIV*. 129; in suits against county fund commissioners, *XLIII*. 69; in proceedings against persons who bring indigent persons or lunatics into the county, *XLIII*. 78; or who trespass upon the public lands, *XL*. 57, 58; or officers who neglect their duty relating to the taking of the census, *XLII*. 1; as to attending to bills of interpleader for the treasurer of the county in certain cases, *XLIII*. 124; to keep cash book or journal of all moneys received officially, &c., *XL*. 25.

STATE TREASURER —

powers, duties, &c.: as to the erection of a state house, *XLIV*. 53; as to the settlement and payment of claims upon the national road, *XLIV*. 118; under the act for the relief of creditors of the national road, *XLV*. 28; under the act to provide for the state printing, *XLIII*. 84, 85; under the act incorporating the State Bank of Ohio and other banking companies, *XLIII*. 36 to 43; when he may direct taxes collected for state purposes to be deposited in banks, *XLIV*. 121; to what fund to credit the tax on the profits of banks and insurance companies, *XLIV*. 122; what included in the canal fund, and its receipt and disbursement, *XLIV*. 123 to 125; see *XL*. 56; what kind of checks of the acting commissioner of the Board of Public Works to be paid, *XLIII*. 62; see *XLII*. 75.

penalties against for circulating, &c., notes of banks whose charter has expired, or whose assets are in the hands of receivers, *XLIV*. 14, 116.
his salary, *XLIV*. 126.

STAY OF EXECUTION —

when issued by a justice of the peace: stay not allowed upon a judgment obtained against the surety for the redelivery of property taken on execution, *XLIV*. 48; when bail for stay is insufficient, how to proceed, *XLIV*. 49; if the defendant to a stayed judgment dies before the judgment is satisfied, how the bail for stay proceeded against, *XLIV*. 49.

STEALING —

shipwrecked or stranded goods, *XLIII*. 54.

shrubby, plants, vegetables, flowers, &c., *XLIII*. 128; *XLIV*. 44.

STEAMBOATS —

lien of mechanics for constructing, &c. *XLI*. 66.

in suit against, by name the officer need not seize until expenses of keeping, &c., are advanced — how items of expense returned and adjusted, and what fees allowed assistant of officer, *XLI*. 51, 52.

false invoice by owners of, *XLII*. 50.

STEWART TO LUNATIC ASYLUM—

salary, XLIV. 126.

STITCHING—

the printed laws, &c., XLIII. 83.

STOCKS OF CORPORATIONS— See **BANKS AND BANKING, &c.**

cannot be subscribed for by the county commissioners, unless, &c., XLIV. 62.

taxation of stocks generally, XLIV. 85, 87, 90, 108, 109.

taxes of banks on their profits, XLIII. 48.

taxes of manufacturing companies on their capital, XLIV. 40.

STOLEN GOODS—

which may be sold by county commissioners, XLIII. 16.

STONE QUARRY—

for penitentiary, &c., XLIII. 126; may be used for the State House, XLIV. 54.

rail ways, roads, drains, tunnels, &c. to, how established, XLV. 50, 51.

STOREHOUSE, KEEPER OF—

who gives false warehouse receipt, &c., to defraud, how punished, XLIV. 34.

STRANDED GOODS—

penalties for concealing, embezzling, not giving notice of finding, &c., XLIII. 54.

STREETS AND ALLEYS—

discretion of court in vacating, &c., XLV. 66.

SUBPENAS FOR WITNESSES—

to appear before commissioners appointed to examine the proceedings, &c., of the Board of Public Works, XLIV. 1; XLIII. 56.

when the venue is changed, or the cause certified for trial to an adjoining county, XLIV. 15.

to appear before the township assessor, XLIV. 99.

may be made returnable to a special term in criminal cases, XLIV. 41.

in all civil cases in which the State of Ohio is a party in interest, to what counties issued, and how served, &c. XLV. 23.

SUMMONS—

when issued by a justice of the peace against two or more, how served, returned, &c., XLIV. 48.

how served when issued against a partnership in the name of the firm, XLIV. 66.

when and upon what terms amended, XLIII. 114.

SUPERINTENDENT OF COMMON SCHOOLS—

salary of the Secretary of State as superintendent of common schools, XLIV. 126.

county superintendent in certain counties, XLV. 32 to 34.

when township superintendent to act in the place of directors, XLIII. 98.

SUPERINTENDENT OF THE LUNATIC ASYLUM —

his duty as to convicts in the penitentiary who are insane, XLIII. 73.
salary, XLIV. 126.

See LUNATIC ASYLUM.

SUPERINTENDENT OF FREE TURNPIKES — XLIII. 106.**SUPERINTENDENTS OF PUBLIC WORKS —**

his bond, oath, accounts and quarterly statements, &c., XLII. 74.

See BOARD OF PUBLIC WORKS.

SURGEON TO BRIGADE —

appointment, rank, &c., XLIV. 63.

SURPLUS REVENUE — See COMMISSIONERS OF THE SURPLUS REVENUE.

auditor and treasurer of the county to act as commissioners of, and their powers, duties, &c., as such, XLIV. 68, 69.

provisions for the relief of the borrowers of, and when and how they may pay, XLIII. 72.

suits against surplus revenue commissioners for certain breaches of duty, XLV. 32.

how pledged to pay bonds, &c., of the State, XLI. 80, 81.

effect of the payment of the surplus revenue into the state treasury upon the school fund, &c., XLI. 82.

"an act further to amend the act providing for the distribution and investment of this State's proportion of the surplus revenue," &c., passed March 12, 1845, (XLIII. 77,) is superseded, XLIV. 68, 69.

SUPERIOR COURT OF CINCINNATI —

terms of court of, XLIII. 59.

the judge may reside any where in Hamilton county, XLV. 16.

how causes disposed of if the judge interested, &c., XLV. 16, 17.

SUPERVISOR OF ROADS —

but one to be named on each ballot at an election, XLII. 7.

his power to appropriate road work to a free turnpike, XLIII. 107.

when and how to work township roads in certain counties, XLV. 19.

how to connect roads with the national road, XLI. 89, 90.

how to pay for timber, stone or gravel taken to repair roads, XL. 37.

his compensation, XLIII. 8.

SUPREME COURT —

appellate jurisdiction, &c., taken away, XLIII. 80; see APPEAL.

terms of: for 1842, XL. 7, 8; for 1843, XLI. 7 to 9, 53; for 1844, XLII. 9 to 12; for 1845, XLIII. 9, 99; for 1846, XLIV. 4; for 1847, XLV. 1;

when term may be continued beyond time fixed by law, and when no court held, or there is not time to dispose of cases, by consent cases may be taken to another county, Id. ib. and XLIII. 11.

as to writs of error, and the bond and security in such cases, XLIII. 80, 81.

SURETY —

for costs: by foreign guardian, XLIV. 58, 59; in suits in the partnership name only, XLIV. 66; in criminal cases before a justice of the peace, XL. 53; in suits brought upon a claim not negotiable assigned by a dissolved corporation, XLIII. 94, 95; when the plaintiff before a justice removes from the township in which the suit is brought, XLV. 52.

SURETY—Continued.

privileges and liabilities of those who are in fact sureties for the payment of money to a bank, although the contract states that they are principals, XLIII. 67, 68.

sureties upon the bond of a guardian may compel the guardian to indemnify them, XL. 48, 49.

where suit must be brought before a justice, if some of the defendants are principals, and some jointly liable as sureties, XLV. 52.

SURVEYOR—

not to testify unless claim conformable to standard of State, XLIV. 57.

his duties respecting the true meridian established in his county, XLIII. 75.

not allowed to testify or certify to a survey unless compass, &c., adjusted to the true meridian of the county, XLIII. 75.

to keep record of all his surveys, whether official or not, XLV. 56:

his official books open to public inspection, XLV. 56.

how to aid in prosecution of trespasser upon public lands, XL. 57, 58.

SURVEYS—See COPIES, SURVEYOR.**TAVERNS—**

discretionary with the court to grant or refuse a license to, XLIII. 8.

fine for keeping without license cannot be remitted by the county commissioners, XLV. 49.

act regulating the sale, &c., of intoxicating liquors in certain counties, XLV. 39 to 42.

TAXES—

definition in tax law of 1846 of certain words, XLIV. 85, 86, 93, 105.

what and whose property exempt from taxation, XLIV. 86, 87, 88, 92; XLV. 61, 64.

what property liable to taxation, XLIV. 86; et seq.; XLV. 61, 65.

valuation of property for taxation for 1846, XLIV. 91, 92, 89, 90; duties of district assessors in relation thereto, for 1846, XLIV. 94 to 97, 91, 92.

listing, valuation and assessment of property by township assessors, and their general powers and duties, XLIV. 97 to 100, 91, 92; XLI. 1; XLV. 59, 61, 62.

scheduling or listing property by the auditor of the county, and how list, value, tax, &c., made up, XLIV. 105 to 107; XLV. 62, 63.

how property relisted, valued and equalized every sixth year, from 1846, XLIV. 107, 108.

who, as owner, trustee, &c., to make out list and value of his property, and when, XLIV. 88, 89; XLV. 59, 62; how, XLIV. 90, 91; XLV. 61, 65; as to broker listing his capital, XLIV. 130.

listing, &c., from time to time by the township assessor, real estate not before subject to taxation, XLIV. 108.

deductions and refunding on account of the destruction of buildings, &c., XLIV. 106; XLI. 50.

assessment on school lands under lease, XLII. 61.

manufacturing companies to be assessed and taxed according to the value of their property, XLIV. 40.

banks to be taxed on their profits, &c., XLIII. 48; XLIV. 121.

against insurance companies, &c., XLIV. 122.

upon school land under lease, XLII. 61; see XLIV. 122.

TAXES—Continued.

- upon canal lands when sold, *xl.* 75.
- how and by whom, and when the per centum of tax determined, *xliv.* 105.
- amount of assessment for 1846, *xliv.* 133.
- per cent. for general revenue purposes*: for 1842, *xl.* 62; for 1843, —
— for 1844, *xlh.* 80; for 1845, *xlh.* 132; for 1846, *xliv.* 105,
133; for 1847, *xl.* 58.
- rate of in incorporated towns, *xl.* 66.
- levy of to pay the salary of the county superintendent of common schools,
xl. 32.
- rate and levy for county purposes, &c., to pay interest on the debt of the
county, *xl.* 38; *xliv.* 107.
- for road purposes, *xl.* 66; see also *xliv.* 107, and Swan's Stat. 813.
- for township purposes, *xliv.* 107.
- how and what portion of the road tax applied to free turnpikes, *xlh.*
106, 107.
- how merchants who commence business after the first of March to report
capital, &c., and penalty for neglect, *xlh.* 103.
- distraining for taxes, *xlh.* 62; *xlh.* 1; *xli.* 5.
- when and how taxes for State purposes to be paid over to the State treas-
urer, *xliv.* 121.
- as to school tax*: rates of for 1847, *xl.* 58; county commissioners not to
levy more than two-fifths of a mill, *xl.* 64; to pay salary of county
superintendent of common schools, *xl.* 82; assessment on school lands
under lease, *xlh.* 61; see *xliv.* 122; by whom the time when tax to
repair or finish a school house to be fixed, *xl.* 52; to pay liabilities
upon judgments or decrees, *xlh.* 48; *xli.* 59; see *xlh.* 48; how town-
ship tax distributed when the district is composed of parts of different
townships, *xl.* 50.
- as to redemption of land sold or forfeited for taxes*: after sale upon for-
feiture for taxes, and the proceedings in such case, *xlh.* 124; in
1842-'43 which were before forfeited to the State and then remained
unsold, *xl.* 4 to 6.
- bill of interpleader may be filed by the treasurer of county against the claim-
ant of certain moneys deposited with him to redeem land sold as forfeit-
ed to the State, *xlh.* 124.
- as to land forfeited for taxes*: sale of, *xlh.* 124; *xl.* 64; advertise-
ments of sale of, *xlh.* 124; *xl.* 64; *xl.* 4 to 6; proceedings if not
sold, *xlh.* 124; when the owner may redeem the land, and how,
xlh. 124; reforefeiture of forfeited land remaining unsold or unredeem-
ed, and record of advertisement for 1842-3, the redemption of such
land, and the sale in 1843 of such as remain unredeemed, *xl.* 4 to 6.
records of sales of forfeited land—the Auditor of State to send out list,
&c., for the sale, in alternate years, of the real estate forfeited to the
State after February, 1842, *xl.* 6.
- as to delinquent taxes, and sales, &c.*: within what time to be paid to the
county treasurer, and the penalty for delinquency, *xli.* 45; may be
paid into the state treasury until the 15th of April, and the law
creating penalties for not paying before repealed, *xl.* 26; cost of
advertising for sale lands delinquent for taxes, *xlh.* 62; *xlh.* 1; when
and how land advertised and sold for delinquent taxes, *xlh.* 27, 62;
xli. 5; distress for, *xlh.* 62; *xlh.* 1; *xli.* 5.

TAXES—Continued.

- in what cases and how the purchaser at a tax sale, &c., may obtain possession of land by an action of forcible detainer, and the proof in such case, XLIV. 115; XLV. 24.
- when sales of lands for taxes invalid, how purchaser protected, XLIV. 114, 115.
- taxes paid by any person having a lien on land to be a paramount lien, XLIV. 114, 115.
- the right of purchaser for taxes to be refunded the taxes paid, and his remedy therefor, XLV. 24; see also Swan's Stat. 929, Sec. 9.
- the purchaser for taxes not to be evicted until taxes, &c., paid by him are refunded, XLV. 24; see also Swan's Stat. 931.
- "an act to provide more effectually for a correct and equal assessment of money, and of capital in trade for the purpose of taxation," passed March 12, 1845, XLIII. 109, superseded [?] XLIV. 85.

TEACHERS' INSTITUTES—XLV. 67.**TEACHERS OF COMMON SCHOOLS—**

- certificate of teacher to draw money when a school district is composed of parts of different counties, XLI. 59.
- requisites of certificate of qualification, and how signed and renewed in counties where a county superintendent of common schools is elected, XLV. 33.

TELEGRAPH, ELECTRIC—

- act authorizing the erection of telegraphs, and providing for the punishment for injuring, &c., XLV. 34, 35.

TERMS OF COURTS—

- the supreme court*: for 1842, XL. 7, 8; for 1843, XLI. 7 to 9, 53; for 1844, XLII. 9 to 12; for 1845, XLIII. 9, 99; for 1846, XLIV. 4; for 1847, XLV. 1; when term may be continued beyond time fixed by law, and when no court held, or there is not time to dispose of cases, by consent cases may be taken to another county, Id. ib. and XLIII. 11.
- the court of common pleas—terms of*: 1st circuit, for the year 1842, XL. 9, 32; for 1843, XLI. 16, 58; for 1844, XLII. 12; for 1845, XLIII. 11, 19; for 1846, XLIV. 20; for 1847, XLV. 7.
- 2d circuit, for the year 1842, XL. 9; for 1843, XLI. 16; for 1844, XLII. 12; for 1845, XLIII. 11, 15, 21, 22, 99; for 1846, XLIV. 21; for 1847, XLV. 11.
- 3d circuit, for the year 1842, XL. 9; for 1843, XLI. 16; for 1844, XLII. 13, 70; for 1845, XLIII. 12, 18; for 1846, XLIV. 18, 50; for 1847, XLV. 10.
- 4th circuit, for the year 1842, XL. 9, 26; for 1843, XLI. 16, 49; for 1844, XLII. 13; for 1845, XLIII. 12; for 1846, &c., XLIV. 24.
- 5th circuit, for the year 1842, XL. 10; for 1843, XLI. 17, 49; for 1844, XLII. 13; for 1845, XLIII. 12; for 1846, XLIV. 25; for 1847, XLV. 13.
- 6th circuit, for the year 1842, XL. 10; for 1843, XLI. 17, 49; for 1844, XLII. 13; for 1845, XLIII. 12, 18; for 1846, &c., XLIV. 18.
- 7th circuit, for the year 1842, XL. 10; for 1843, XLI. 17; for 1844, XLII. 14; for 1845, XLIII. 12; for 1846, &c., XLIV. 16, 25, 137.
- 8th circuit, for the year 1842, XL. 10, 13; for 1843, XLI. 17, 27, 48; for 1844, XLII. 14, 46; for 1845, XLIII. 13, 15; for 1846, XLIV. 26; for 1847, XLV. 8.

TERMS OF COURTS—*Continued.**the court of common pleas—continued.*

9th circuit, (Cuyahoga, for 1844, XLII. 17); for 1845, &c., XLIII. 13;
Cuyahoga county, for 1847, XLV. 6.

10th circuit, for the year 1842, XL. 11; for 1843, XLI. 18; for 1844,
XLII. 14, 44; for 1845, XLIII. 13; for 1846, XLIV. 23; for 1847, XLV. 9.

11th circuit, for the year 1842, XL. 11; for 1843, XLI. 18; for 1844,
XLII. 15, 45; for 1845, XLIII. 13; for 1846, XLIV. 17, 137; for 1847,
XLV. 14.

12th circuit, for the year 1842, XL. 11; for 1843, XLI. 18, 49; for 1844,
XLII. 15, 45; for 1845, XLIII. 13, 64; for 1846, XLIV. 27; for 1847,
XLV. 15.

13th circuit, for the year 1842, XL. 11, 31; for 1843, XLI. 19; for 1844,
XLII. 15; for 1845, XLIII. 13, 21, 71; for 1846, XLIV. 25; for 1847,
XLV. 7.

14th circuit, for the year 1842, XL. 12; for 1843, XLII. 19; for 1844,
XLII. 16; for 1845, XLIII. 13, 19, 99; for 1846, &c., XLIV. 19.

15th circuit, for the year 1842, XL. 12; for 1843, XLI. 19; for 1844,
&c., XLII. 16, 47.

16th circuit, for the year 1845, XLIII. 22, 102, 120; for 1846, XLIV. 21,
28; for 1847, XLV. 14.

when special terms of common pleas held, what may be done, and proceed-
ings preliminary to such term, XLIV. 40; (as to special terms in Franklin
county, see XLIII. 64, 65.)

term of superior court of Cincinnati, XLIII. 59.

THISTLE, (Canada,)—

to prevent the introduction and spread of, XLII. 37.

TIMBER—

navigation of unhewn timber on canals, XL. 38; XLIV. 32, 67.

TOLLS—See CANALS, NATIONAL ROAD, ROADS.

TOMBS—

opening, &c., how punished, XLIV. 77.

TOWNS—

how and by whom names of towns changed, XL. 28, 29.

cannot license sale of spirituous liquors or houses of public entertainment,
XL. 52; see XLIV. 107.

limit of amount of tax levied by corporation, XLV. 66.

meaning of the word "town" in the tax law, XLIV. 86.

TOWNS, DIRECTORS OF—

term of office, removal, account and payment of moneys received from sale
of lots, XLIII. 18.

TOWN PLAT—

discretion of court, &c., as to vacating, XLV. 66.

TOWNSHIP—

meaning of the word in the tax law, XLIV. 97.

TOWNSHIP ASSESSORS —

number and when and how elected in townships in which is situated an incorporated town or city which is divided into wards, XLIV. 97; XLV. 65.
 oath, bond, vacancy in office and how filled, XLIV. 97.
 general duties, XLIV. 98 to 100, 108; XLII. 61; XLI. 1; XLV. 59, 61, 62.
 may appoint assistant, &c., XLIV. 109.
 fees of, XLIV. 109; XLV. 62.
 penalties against, XLIV. 110; XLII. 1.
 to collect commutation money due in lieu of military duty, XLIII. 23.
 duties, &c., in certain counties under the act to provide for registering the names of electors and to prevent frauds in elections, XLIII. 116 to 118.
 when, in certain counties, to leave a notice to make out and to call for statement of property liable to be assessed for taxes, and when to make out, of persons and property, XLV. 59.
 in certain counties, to perform their duties between 10th March and 10th April, XLIV. 9.
 as to district assessors see **Assessors**.

TOWNSHIP ROADS —

work on in certain counties, XLV. 19.
 See **Roads**.

TOWNSHIP SUPERINTENDENT of Common Schools —

when to act in the place of directors, XLIII. 98.

TOWNSHIP TREASURER —

to retain a copy of the certificate of the qualifications of teachers of common schools, XL. 50.
 compensation for disbursing school funds, XL. 52.

TOWNSHIP TRUSTEES —

powers and duties: as overseers of the poor, XLIII. 20; when the putative father of a bastard child is in jail, XLIII. 65; as to prosecuting persons who bring paupers or lunatics into the township, XLIII. 78; as to altering, laying off and abolishing school districts, XLIII. 132; XLI. 59; see XL. 51; as to allowing treasurer of township a compensation for disbursing school fund, XL. 52; as to acting as fence viewers, and their fees, XLII. 4; as to determining amount of road tax, XLV. 66.
of original surveyed township: for what period public land leased by them, XLI. 62; penalty for not qualifying or accepting office, XLI. 62.
 See **LEASES AND LEASHOLD ESTATES**.

TREASURER OF THE COUNTY —

powers and duties: under the "retrenchment law" of 1844, XLII. 25, 26; in the appointment of township assessor, XLIV. 97; in the payment of taxes collected for State purposes, XLIV. 120, 121; in the payment of moneys received from sections 16 and 29, XLIV. 121; in the payment of moneys received from brokers, XLIV. 130; in the payment of the surplus revenue to the Treasurer of State, XLV. 32; see XLIII. 72; in the payment of orders for supplies, &c., for the poor house, XLIII. 100; as to suits against the fund commissioners of the surplus revenue, XLV. 32; as to enforcing payment of taxes against administrator, receiver, guardian, &c., XLV. 64; as to attendance in townships to receive taxes, XLV. 64; as to attendance at county seat to receive taxes, XLI. 4; dis-

(TREASURER OF THE COUNTY—Continued.)

- training for taxes, XLII. 62; XLIII. 1; XLI. 5; when to settle with the county auditor and the Treasurer of State, XLI. 5; (see as to Hamilton county, XLIV. 121;) as to recording the official bonds of officers and copies from the record, XLI. 13; to sue officers for not forwarding the returns of the election of Governor, XLI. 46.
- penalties against*: for circulating, &c., the bills of banks whose charters have expired or whose assets are in the hands of receivers, XLIV. 116; for returning land delinquent when the taxes have been paid to him, XLIII. 1; see XLII. 62; for not making within the proper time a settlement with the Auditor of State, XLI. 5.
- to act (except in Gallia county) as fund commissioner of surplus revenue, and powers, duties, &c., as such, XLIV. 68, 69.
- when the treasurer of Hamilton county to settle with the Auditor of State, XLIV. 121.
- when lands returned delinquent and tax receipt produced what to do, XLIII. 1; see XLII. 62.
- effect of not keeping office at the county seat, XLII. 77.
- employment and salary of assistants, XLIII. 123.
- how to dispose of money deposited to redeem land forfeited for the nonpayment of taxes and sold, XLIII. 124.
- mode of appointing a committee to examine his books, and the powers and duties of such committee, XLV. 42, 43.
- may sue predecessors, XLII. 62.
- compensation*: XLII. 24; when taxes not paid until after the 20th December, XLI. 5; for paying over surplus revenue to the Treasurer of State, XLV. 32.

TREASURER OF ORIGINAL SURVEYED TOWNSHIP—

- his bond, fine for not qualifying or accepting office, XLI. 62.

TREASURER OF STATE—

- powers, duties, &c.*: as to the erection of a State House, XLIV. 53; as to the settlement and payment of claims upon the national road, XLIV. 118; under the act for the relief of creditors of the national road, XLV. 28; under the act to provide for the State printing, XLIII. 84, 85; under the act incorporating the State Bank of Ohio, and other banking companies, XLIII. 36 to 43; when he may direct taxes collected for State purposes to be deposited in banks, XLIV. 121; to what fund to credit the tax on the profits of banks and insurance companies, XLIV. 122; what included in the canal fund, and its receipt and disbursement, XLIV. 123 to 125; see XLI. 56; what kind of checks of the Acting Commissioner of the Board of Public Works to be paid, XLIII. 62; see XLII. 75.

TREASURER OF TOWNSHIP—

- to retain a copy of the certificate of the qualifications of teachers of common schools, XL. 50.
- compensation for disbursing school funds, XL. 52.

TREES, ORNAMENTAL—

- severing, injuring, destroying, &c., how punished, XLIII. 128; XLIV. 44.

TRESPASS, AND TRESPASS ON THE CASE —

for what injuries to person and property, &c., case may be brought although the injury is immediate, &c., XLII. 72.

TRIAL, NEW —

practice and proceedings before a justice, XLIII. 57.

TRUSTEE —

to list property for taxation held in trust, XLIV. 88, 89.

appointment, powers, duties and proceedings against, &c., the trustee of a dissolved corporation, XLIII. 94; XLI. 52, 53; see XLIII. 95; XL. 72.

TRUSTEES OF THE BLIND ASYLUM —

number and term of office, and how vacancies filled, XLIV. 111, 112.

one to be president, XLIV. 111.

to appoint a steward, XLIV. 111.

See BLIND ASYLUM.

TRUSTEES OF THE DEAF AND DUMB ASYLUM —

appointment, &c., powers and duties, &c., of directors, XLIV. 111, 112.

See DEAF AND DUMB ASYLUM.

TRUSTEES OF THE LUNATIC ASYLUM —

appointment, term of office, &c., of directors, XLIV. 67.

See LUNATIC ASYLUM.

TRUSTEES OF TOWNSHIP —

powers and duties: as overseers of the poor, XLIII. 20; when the putative father of a bastard child is in jail, XLIII. 65; as to prosecuting persons who bring paupers or lunatics into the township, XLIII. 78; as to altering, laying off, and abolishing school districts, XLIII. 132; XLI. 59; see XL. 51; as to allowing treasurer of township a compensation for disbursing school fund, XL. 52; as to acting as fence viewers, and their fees, XLII. 4; as to determining amount of road tax, XLV. 66.

of original surveyed township: for what period public land leased by them, XLI. 62; penalty for not qualifying or accepting office, XLI. 62.

See LEASES AND LEASEHOLD ESTATES.

TURNPIKES AND TURNPIKE COMPANIES —

free turnpike roads: mode of laying out, establishing, &c.—application of taxes to, and general powers and duties of commissioners and other officers of such roads, XLIII. 106 to 108; bond, appeal and costs in proceedings to relocate a free turnpike, XLIV. 6; by whom and how changed into a State road, XLIV. 74.

roads in which the State is a stockholder: the act for the relief of the creditors of such roads, XL. 37, 38; XLV. 35, 36; the grant of State bonds or certificates of State stock to such roads, XLI. 84, 85, 97; the examination of their affairs by the Auditor of State, XLI. 84, 85; how their tolls to be applied, XL. 38; further subscriptions of the State to the stock of turnpike companies withheld, XL. 65.

turnpike roads and turnpike companies: county commissioners not to subscribe for the stock, although authorized to do so by a special law, until directed by a vote of the qualified voters of the county, &c., XLIV. 82;

(TURNPIKES AND TURNPIKE COMPANIES—Continued.)

how companies organized—subscription for stock—number of directors—shares of capital stock, tollgates, &c., XLIII. 101; power of entering upon, using, &c., land and materials of others, and proceedings, compensation, &c., in such case, XLI. 60, 61.

tolls on turnpike roads: acts regulating and equalizing, XLIV. 84; XLIII. 101; XLII. 44; XL. 32; as to toll for the fractional part of ten miles, XLIV. 86; disposition, &c., of the tolls on turnpikes in which the State is a stockholder, XLV. 86.

VACANCIES—See names of various offices.

in office of canal fund commissioner, XLI. 54.

VALUATION—See APPRAISEMENT, TAXES.

VEGETABLES—

severing, injuring, destroying, &c., how punished, XLIII. 128; XLIV. 44.

VENIRE—

when writ for petit jury may be made returnable, XLIV. 28.

as to Cuyahoga county, XLII. 17.

when joint indictment for capital offence, XLII. 52.

when not time to draw a jury, XLIII. 14.

VENUE—

how changed, and proceedings when judges of the common pleas interested, XLIII. 81; as to how cause in the superior court of Cincinnati disposed of when the judge is interested, &c., see XLV. 16, 17.

VERDICT—

setting aside and new trial before a justice of the peace, XLIII. 57.

VESSELS—

lien of mechanics for constructing, &c. XLI. 66.

in suit against, by name the officer need not seize until expenses of keeping, &c., are advanced—how items of expenses returned and adjusted, and what fees allowed assistant of officer, XLI. 51, 52.

VIEWERS OF FENCES—

office abolished and duties and fees devolved on trustees of the township, XLII. 4.

VILLAGE—

meaning of the word in the tax law, XLIV. 86.

how and by whom name changed, XL. 28, 29.

not authorized to grant licenses for houses of public entertainment, &c., XL. 52. See XLIV. 107.

VOTERS—

registering the names in certain counties, XLIII. 116.

felon convicted in another State disfranchised here, unless, &c., XL. 30.

foreigners voting in relation to district school matters, XLI. 59, 60. See Swan's Stat. 844.

VOLUNTEER MILITARY COMPANIES—

duties, &c., XLIII. 23.

WABASH AND ERIE CANAL—See COMMISSIONERS OF THE CANAL FUND, BOARD OF PUBLIC WORKS.

WABASH AND ERIE CANAL LANDS—See CANAL LANDS.

WARD—

when the word "township," includes a ward of an incorporated town or city, under the tax law, XLI. 97.

WARDEN OF THE PENITENTIARY.

may appoint a deputy, XLIII. 73.

duties relating to insane convicts, XLIII. 73.

under what circumstances to pay, or certify for payment, the costs of the conviction of a convict, XLII. 30.

deputy, his appointment, duties and salary, XLIII. 73.

salary, XLII. 23.

WAREHOUSEMAN—

punishment for giving false warehouse receipt, XLIV. 34; see XLII. 50.

WARRANT—

under the act relating to gambling and gamblers, XLIV. 11, 12.

under the act relating to suits against watercraft by name, XLI. 51, 52.

against lunatic in proceedings of lunacy, the defendant must be lodged in the poor house, XL. 65, 66.

WARRANT OF ATTORNEY—

when made to a bank for the confession of a judgment, the judgment may be taken without giving the debtor notice, XLIII. 68; XL. 33.

WATCHES—

how listed, &c., for taxation, XLIV. 90.

WATCHMEN—

fees of for taking charge of a prisoner at an examining court, and testifying before the same, XLV. 53.

WATERCRAFT—

lien of mechanics for constructing, &c., XLI. 66.

in suit against, by name the officer need not seize until expenses of keeping, &c., are advanced; how items of expense returned and adjusted, and what fees allowed assistant of officer, XLI. 51, 52.

WATERPOWER—

adjustment of rent of waterpower of the State under leases theretofore made, XLIII. 68.

selection of, on the canal lands of the State where the waterpower has been created by canals, XL. 75.

WEIGHTS AND MEASURES —

the act providing for a uniform standard of, XLIV. 54.
 how and what measures heaped, and what struck, XLIV. 55.
 punishment for using unauthorized weights or measures, &c., unless, &c.,
 XLIV. 56, 57.
 the act of February 3, 1844, entitled "an act regulating weights and mea-
 sures," &c., repealed, XLV. 30.

WESTERN RESERVE ROAD —

how controlled and managed, XLI. 102, 103.

WHEAT —

weight of a bushel, XLV. 30.

WIDOW —

what portion of estate of her husband she is entitled to, if she fails to claim
 under the will, XLIV. 79; see XL. 55; XLI. 50.
 when entitled to insurance on the life of her husband, XLV. 45, 53, 54.
 See DOWER.

WIFE —

a guardian who is a female ceases to be such upon her marriage, XLIV. 59.
 what portion of the personal estate the widow is entitled to, if she fails to
 elect to take under the will in lieu of dower, XLIV. 79; see XL. 55; XLI. 50.
 when insurance on the life of the husband may enure to the benefit of his
 wife and children as against creditors, XLV. 53, 54.
property of the wife: what is such, and not liable for the husband's debts,
 XLIV. 75; XXV. 23; the deed of the husband inoperative to convey it,
 unless, &c., XLIV. 75; in what cases she may file a bill to prevent her
 husband from selling or squandering her property, XLIV. 115.

WILLS —

what wills should provide for where the testamentary guardian is an unmar-
 ried woman, XLIV. 59.
 the testator may direct that his executor shall not give bond or make ap-
 praisement of his personal estate, XLV. 25.

WITNESSES —

subpoenas for: to appear before commissioners appointed to examine the
 proceedings, &c., of the Board of Public Works, XLIV. 1; XLIII. 56;
 when the venue is changed, or the cause certified for trial to an adjoining
 county, XLIV. 15; to appear before the township assessor, XLIV. 99;
 may be made returnable to a special term in criminal cases, XLIV. 41; in
 all civil cases in which the State of Ohio is a party in interest, to what
 counties issued, and how served, &c., XLV. 23.

competency, and who may, or may not be, &c.: in suits against banks to
 reach their credits and effects, XLIII. 67; convicted felon of another
 State, XL. 30; under the act relating to gambling and gamblers, and not
 liable for acts disclosed, XLIV. 11.

punishment of, for not attending or not testifying: before commissioners
 appointed to examine proceedings, &c., of the Board of Public Works,
 XLIV. 1; or before assessor of township, XLIV. 98, 99; or in another
 county in a case in which the State is a party interested, XLV. 23.

WITNESSES—Continued.

fees of: for attending before the commissioners who examine the proceedings, &c., of the Board of Public Works, *xlv.* 15; attending court when venue changed or cause certified to an adjoining county, *xliv.* 15; attending before the township assessor, *xliv.* 99; attending in two or more criminal cases in Hamilton county, *xl.* 32; see Swan's Stat., 394, n. (b); attending from another county in a case in which the State is a party of interest, *xlv.* 23.

when witness is an officer taking charge of the person accused, *xlv.* 53.
who to pay the fees of witnesses in criminal cases before a justice, *xliii.* 63, 64.

WOMEN—See HUSBAND AND WIFE, DOWER, &c.—

what property exempt from tax if not householders, *xlv.* 61.

WOOSTER BANK—

amendments, &c., of charter, *xlii.* 40; *xliii.* 50 to 54; see *xlii.* 19.

WRECKED PROPERTY—

punishment for concealing, not giving notice of finding, &c., *xliii.* 54.

WRECKMASTERS—

additional act relating to shipwrecked property and stranded goods, *xliii.* 54.

WRIT OF ERROR—

when writ of error allowed although there be a waiver of error, *xliv.* 34.
in what cases and in what manner a writ of error may be sued out of course, and the return, files, transcripts, assignments of error, prayer of reversal, citation, notice, bond and security, *xliii.* 80, 81.

proceedings upon writ of error when demurrer overruled below, *xliii.* 80.
in capital and penitentiary cases, if the court is equally divided in opinion, the judgment below must be reversed, *xlii.* 52.

in what cases a penalty of five per cent. recovered upon writs of error, *xliv.* 34.

when and how mistakes in pleadings, process and proceedings, amended, *xliii.* 114.

how a mistake in the name of a party to an action corrected, *xliii.* 114.

what errors in pleadings, &c., a verdict cures, *xlii.* 72.

WRITS—See SUMMONS, SUBPOENA, PROCESS, &c., &c.**XENIA BANK—**

amendments, &c., of charter, *xlii.* 40; *xliii.* 50 to 54; see *xlii.* 19.

YEAR, FISCAL—

to close generally 15th November, *xl.* 62.

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ACTS OF A GENERAL NATURE,

PASSED BY THE

FORTY-FIFTH GENERAL ASSEMBLY

OF THE

STATE OF OHIO,

BEGUN AND HELD IN THE CITY OF COLUMBUS,

DECEMBER 7, 1846.

AND

IN THE FORTY-FIFTH YEAR OF SAID STATE.

VOL. XLV.

COLUMBUS:

C. SCOTT'S STEAM PRESS.
1847.

ACTS OF A GENERAL NATURE.

AN ACT

Prescribing the times for holding the Supreme Court, and the third term of the Court of Common Pleas of Cuyahoga county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the supreme court shall be held in the several counties of this state, for the year 1847, on the days and at the times hereinafter specified, to wit :

In the county of Jefferson, on Monday the fifth of April ;

In the county of Washington, on Friday the ninth of April ;

In the county of Meigs, on Monday, the twelfth of April ;

In the county of Gallia, on Wednesday, the fourteenth of April ;

In the county of Lawrence, on Friday, the sixteenth of April ;

In the county of Scioto, on Monday, the nineteenth of April ;

In the county of Adams, on Wednesday the twenty-first of April ;

In the county of Brown, on Friday the twenty-third of April ;

In the county of Clermont, on Tuesday the twenty-seventh of April ;

In the county of Clinton, on Friday the thirtieth of April ;

In the county of Warren, on Monday the third of May ;

In the county of Butler, on Wednesday the fifth of May ;

In the county of Hamilton, on Friday the seventh of May ;

In the county of Highland, on Wednesday the ninth of June ;

In the county of Fayette, on Friday the eleventh of June ;

In the county of Madison, on Monday the fourteenth of June ;

In the county of Clark, on Wednesday the sixteenth of June ;

In the county of Greene, on Thursday the seventeenth of June ;

In the county of Montgomery, on Saturday the nineteenth of June ;

In the county of Preble, on Wednesday the twenty-third of June ;

In the county of Darke, on Friday the twenty-fifth of June ;

In the county of Miami, on Monday the twenty-eighth of June ;

In the county of Shelby, on Wednesday the thirtieth of June;

In the county of Mercer, on Friday the second of July;

In the county of Allen, on Monday the fifth of July;

In the county of Hardin, on Wednesday the seventh of July;

In the county of Logan, on Friday the ninth of July;

In the county of Champaign, on Saturday the tenth of July;

In the county of Union, on Wednesday the fourteenth of July;

In the county of Delaware, on Thursday the fifteenth of July;

In the county of Marion, on Monday the nineteenth of July;

In the county of Crawford, on Wednesday the twenty-first of July;

In the county of Wyandott, on Thursday the twenty-second of July;

In the county of Seneca, on Friday the twenty-third of July;

In the county of Hancock, on Monday the twenty-sixth of July;

In the county of Putnam, on Wednesday the twenty-eighth of July;

In the county of Vanwert, on Thursday the twenty-ninth of July;

In the county of Paulding, on Friday the thirtieth of July;

In the county of Defiance, on Saturday the thirty-first of July;

In the county of Williams, on Monday the second of August;

In the county of Henry, on Thursday the fifth of August;

In the county of Lucas, on Friday the sixth of August;

In the county of Wood, on Monday the ninth of August;

In the county of Ottawa, on Wednesday the eleventh of August;

In the county of Sandusky, on Thursday the twelfth of August;

In the county of Erie, on Saturday the fourteenth of August;

In the county of Huron, on Tuesday the seventeenth of August;

In the county of Lorain, on Thursday the nineteenth of August;

In the county of Cuyahoga, on Monday the twenty-third of August;

In the county of Geauga, on Monday the thirtieth of August;

In the county of Lake, on Wednesday the first of September;

In the county of Ashtabula, on Saturday the fourth of September;

In the county of Trumbull, on Wednesday the eighth of September;

In the county of Columbiana, on Wednesday the fifteenth of September;

In the county of Portage, on Friday the seventeenth of September;

In the county of Summit, on Monday the twentieth of September;

In the county of Medina, on Thursday the twenty-third of September;

In the county of Wayne, on Friday the twenty-fourth of September;

In the county of Ashland, on Monday the twenty-seventh of September;

In the county of Richland, on Tuesday the twenty-eighth of September;

In the county of Knox, on Saturday the second of October;

In the county of Licking, on Wednesday the sixth of October;

In the county of Coshocton, on Monday the eleventh of October;

In the county of Holmes, on Tuesday the twelfth of October;

In the county of Tuscarawas, on Thursday the fourteenth of October;

In the county of Stark, on Saturday the sixteenth of October;

In the county of Mahoning, on Wednesday the twentieth of October;

In the county of Carroll, on Friday the twenty-second of October;

In the county of Harrison, on Monday the twenty-fifth of October;

In the county of Belmont, on Tuesday the twenty-sixth of October;

In the county of Monroe, on Friday the twenty-ninth of October;

In the county of Guernsey, on Monday the first of November;

In the county of Muskingum, on Wednesday the third of November;

In the county of Morgan, on Saturday the sixth of November;

In the county of Perry, on Tuesday the ninth of November;

In the county of Fairfield, on Thursday the eleventh of November;

In the county of Hocking, on Monday the fifteenth of November;

In the county of Athens, on Wednesday the seventeenth of November;

In the county of Jackson, on Saturday the twentieth of November;

In the county of Pike, on Monday the twenty-second of November ;

In the county of Ross, on Wednesday the twenty-fourth of November ;

In the county of Pickaway, on Monday the twenty-ninth of November ;

In the county of Franklin, on Friday the third of December ;

And the court in bank, on Monday the sixth of December.

SEC. 2. The supreme court is authorized, when the business shall so require, to continue its term in any county beyond the time allowed to said county ; and if from any cause it shall so happen that said court shall fail to be held in any county, the court may, with the consent of parties, hear and determine any of the issues in such county, in any other convenient county ; and said court shall have the same power, when there shall not be time in any county to dispose of the business of such county, to hear and determine, with the consent of parties, any business thus undisposed of, in any other convenient county.

SEC. 3. So much of the act to regulate the judicial courts and the practice thereof, passed March 12, 1845, as requires the court in bank to be held twice in each year, is hereby suspended for one year.

Special law for
Cuyahoga co.
Common Pleas.

SEC. 4. That the the third term of the court of common pleas of Cuyahoga county, shall hereafter be held on the first Tuesday of September, annually, instead of the fourth Tuesday in August, as is now provided by law.

Provision to
remedy any dif-
ficulties arising
from want of
time to return
writs or orders.

SEC. 5. In all counties in which the times of holding the courts of common pleas has been or shall be changed by any law of the present session of the General Assembly, and at the time of the passage of such law any writ of execution or order in chancery for sale of lands is in the hands of any sheriff or other officer, and there is not sufficient time to advertise or to return such writ or order by the second day of the term of such court, the said sheriff or other officer may make such sales and return such writs and orders any time during the sitting of such court ; and all sales and other proceedings had under and by virtue of said writs, shall have the same force and validity as if said sale had been made, and said writs returned by the second day of the term of said court ; and if there shall not be time to advertise to return such writs during the session of such court, then such sheriff or other officer may return the same, for want of time to advertise, and shall not be liable therefor, or for not making a different return.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To amend an act entitled "an act prescribing the times of holding the Court of Common Pleas in Thirteenth Judicial Circuit," passed January 17, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas shall hereafter be held, in the several counties of the thirteenth judicial circuit, at the times herein prescribed, namely: In the county of Erie, on the fourth Monday in February, the third Monday in May, and the first Monday of October, of each year; in the county of Huron, on the second Tuesday in March, the first Tuesday in June, and the third Tuesday in September, of each year; in the county of Sandusky, on the fourth Monday of March, on the second Tuesday in June, and the third Tuesday in October, of each year; in the county of Wood, on the first Monday after the fourth Monday in March, and the fourth Tuesday in October, in each year; in the county of Lucas, on the first Monday after the commencement of the spring term in Wood county, and the fourth Monday in June, and the second Monday in November, in each year; in the county of Henry, on the second Monday after the commencement of the spring term in Lucas county, and the first Tuesday in November, in each year; in the county of Ottawa, on the first Tuesday in May, and the second Tuesday in September, in each year.

Thirteenth Judicial Circuit.

SEC. 2. The first section of the act hereby amended is hereby repealed.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 3, 1847.

AN ACT

Prescribing the times of holding the Court of Common Pleas in the First Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas, in the first circuit, shall hereafter be held at the several times herein prescribed, namely: In the county of Preble, on the first Tuesdays of March and of June, and the last Tuesdays of September; in the county of Miami, on the second Tuesdays next succeeding the commencement of the spring term in Preble county, on the last Tuesdays in July, and the third Tuesdays of October; in the county of Darke, on the second Tuesdays

First Judicial Circuit.

next succeeding the commencement of the several terms in Miami county; and in the county of Montgomery, on the second Tuesday succeeding the commencement of the spring term in Darke county, and on the Tuesdays next succeeding the commencement of the summer and autumn terms in said county of Darke.

SEC. 2. The second, third, and fourth sections of an act, passed January twenty-second, one thousand eight hundred and forty-six, entitled "an act prescribing the times of holding the court of common pleas in the seventh judicial circuit," shall be deemed and taken to be parts of this act.

SEC. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 1, 1847.

AN ACT

To fix the times for holding the Court of Common Pleas in the Eighth Judicial Circuit.

Eighth Judicial
Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall hereafter be annually held, in the several counties in the eighth judicial circuit, at the times hereinafter prescribed, to wit:

SEC. 2. That the first terms of said court, in each year, shall be held in the county of Morgan, on the last Thursday of February; in the county of Washington, on the second Monday thereafter; in the county of Meigs, on the second Thursday thereafter; in the county of Gallia, on the next Thursday thereafter; in the county of Scioto, on the second Monday thereafter; in the county of Lawrence, on the third Thursday thereafter; and in the county of Athens, on the second Monday thereafter.

SEC. 3. That the second terms of said court shall be held, in each year, in the county of Morgan, on the first Monday of June; in the county of Washington, on the first Monday thereafter; in the county of Meigs, on the first Monday thereafter; in the county of Gallia, on the first Monday thereafter; in the county of Scioto, on the first Monday thereafter; in the county of Lawrence, on the first Monday thereafter; and in the county of Athens, on the second Tuesday thereafter.

SEC. 4. That the third terms of said court shall be held, in each year, in the county of Morgan, on the second Monday of September; in the county of Washington, on the second Thursday thereafter; in the county of Meigs, on the second Monday thereafter; in the county of Gallia, on the first Friday thereafter; in the county of Scioto, on the second Monday thereafter; in the county of Lawrence, on the second Monday thereafter; and in the county of Athens, on the first Monday thereafter.

SEC. 5. That the second, third, and fourth sections of the act entitled "an act prescribing the times of holding the court of common pleas in the seventh judicial circuit," passed January twenty-second, A. D. one thousand eight hundred and forty-six, shall be deemed and taken as parts of this act.

SEC. 6. That the act to establish the times of holding the courts of common pleas in the eighth judicial circuit, passed February fourteenth, A. D. one thousand eight hundred and forty-six, is hereby repealed.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
 EDSON B. OLDS,
Speaker of the Senate.

February 1, 1847.

AN ACT

To establish the times of holding the Courts of Common Pleas in the Tenth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas shall hereafter be held in the several counties of the tenth Judicial circuit, [at] the times hereinafter prescribed. Tenth Judicial Circuit

SEC. 2. The spring terms of said court shall be held, in the county of Adams, on the fourth Tuesday of February; in the county of Highland, on the next Tuesday after the time of the commencement in the county of Adams; in the county of Clermont, on the second Tuesday after the time of commencement in the county of Highland; in the county of Brown, on the third Tuesday after the time of commencement in the county of Clermont; in the county of Fayette, on the third Tuesday after the time of commencement in the county of Brown. The spring terms.

SEC. 3. The summer terms of said court shall be held, in the county of Adams, on the fourth Tuesday of June; in the county of Highland, on the third Tuesday after the time of commencement in the county of Adams; in the county of

Clermont, on the second Tuesday after the time of commencement in the county of Highland; in the county of Brown, on the second Tuesday after the time of commencement in the county of Clermont; in the county of Fayette, on the second Tuesday after the time of commencement in the county of Brown.

Fall terms.

SEC. 4. The fall terms of said court shall be held, in the county of Adams, on the second Tuesday of September; in the county of Highland, on the first Tuesday after the time of commencement in the county of Adams; in the county of Clermont, on the second Tuesday after the time of commencement in the county of Highland; in the county of Brown, on the second Tuesday after the time of commencement in the county of Clermont; in the county of Fayette, on the second Tuesday after the time of commencement in the county of Brown.

SEC. 5. The second, third, and fourth sections of the act, passed January twenty-second, one thousand eight hundred and forty-six, prescribing the time of holding the court of common pleas in the seventh judicial circuit, shall be deemed and taken as parts of this act.

SEC. 6. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 7. This act to take effect from and after its passage.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 3, 1847.

AN ACT

To amend an act prescribing the times of holding the Court of Common Pleas in the Third Judicial Circuit.

Third Judicial
Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas shall hereafter be held in the several counties of the third judicial circuit, at the times herein prescribed, to wit: In the county of Ashabula, on the fourth Tuesday of February, the second Tuesday of June, and the second Tuesday of September; in the county of Trumbull, on the second Tuesday of March, the third Tuesday of June, and the fourth Tuesday of September; in the county of Mahoning, on the first Tuesday in April, the first Tuesday in July, and the Wednesday succeeding the second Tuesday in October; in the county of Portage, on the fourth Tuesday in March, the last Tuesday in June, and the

fourth Tuesday in October; in the county of Summit, on the third Tuesday in April, the first Tuesday in August, and the second Tuesday in November.

SEC. 2. The first section of the act to which this act is an amendment is hereby repealed.

SEC. 3. All executions and orders now in the hands of any sheriff, coroner, or any master in chancery, issued from the court of common pleas of said Ashtabula county, since the last term of said court, upon which lands are to be sold, and which sales are not already advertised, such sheriff, coroner, and master may return, at next term of said court, for want of time to advertise.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 5, 1847.

AN ACT

To fix, permanently, the times of holding the Courts of Common Pleas in the several counties of the Second Judicial Circuit of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas shall hereafter be held in the several counties of the second judicial circuit at the times hereinafter prescribed, to wit: In the county of Marion, on the first Tuesday of March, the first Tuesday of June, and the first Tuesday of October; in the county of Delaware, on the second Tuesday following the commencement of the March term of said court in the county of Marion, the first Tuesday following the commencement of the June term of said court in the county of Marion, and the second Tuesday following the commencement of the October term of said court in the county of Marion; in the county of Crawford, on the second Tuesday following the commencement of the first term of said court in the county of Delaware, the second Tuesday following the commencement of the June term of said court in the county of Delaware, and on the second Tuesday following the commencement of the October term of said court in the county of Delaware; in the county of Seneca, the first Tuesday following the commencement of the first term of said court in the county of Crawford, the first Tuesday following the commencement of the June term of said court in the county of Crawford, and on the first Tuesday following the commencement of the third term of said court in the county of Crawford; and in the county of Wyandott, on the second Tuesday follow-

Second Judicial
Circuit.

ing the commencement of the April term of said court in the county of Seneca, the second Thursday following the commencement of the June term of said court in the county of Seneca, and on the second Tuesday following the commencement of the November term of said court in the county of Seneca.

Special provision in reference to juries.

SEC. 2. The clerk of the court of common pleas, in any county where there is not sufficient time to draw jurors and to issue writs of venire facias, as is now required by law, shall, in the presence of the sheriff, as is required by the fourth section of the act regulating juries, draw the jurors, and thereupon issue said writs, at any time before the sitting of such court; and the court, when convened, may order such writs to be returned forthwith, and the sheriff of such county shall serve the same, and make return thereof agreeably to the command of the same, and such service and return shall be as valid in law as if such writ had been issued thirty days previous thereto.

The term of court may be extended for certain specified purposes.

SEC. 3. If the court, in any county, shall not have finished its business before the time prescribed for holding the court in any other county of said circuit, the court may continue its term for the purpose of transacting probate and testamentary business, granting licenses for taverns and ferries, letters of guardianship, final admission to citizenship, for the issuing service and return of process, and such other business as the parties, or their attorneys, may agree shall be heard and decided upon.

Special provision as to writs of execution & orders of sale.

SEC. 4. In all cases when writs of execution or orders of sale in chancery are in the hands of any sheriff, or other officer, at the time of the passage of this act, and there is not sufficient time to return said writs by the second day of any term, as prescribed by this act, the said sheriff, or other officer, may return said writs at any time during the sitting of said court; and all sales and other proceedings had by virtue of said writs, shall have the same force and validity as if said sale had been made and said writs returned by the second day of the term of said court.

SEC. 5. All laws and parts of laws inconsistent with this act are hereby repealed.

WILLIAM P. CUTLER;
Speaker of the House of Representatives.
EDSON B. OLDS,

Speaker of the Senate.

February 6, 1847.

AN ACT

To fix the times for holding the Court of Common Pleas in the Fifth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the* Fifth Judicial
Circuit.
State of Ohio, That the court of common pleas shall be held hereafter, in the several counties of the fifth judicial circuit, at the times hereinafter prescribed, namely: In the county of Columbiana on the fourth Tuesdays of March, the third Tuesdays of June, and the second Tuesdays of November; in the county of Stark, on the first Tuesdays of April, the first Tuesdays of August, and the third Tuesdays of October; in the county of Tuscarawas, on the fourth Tuesdays of April, the fourth Tuesdays of August, and the fourth Tuesdays of November; in the county of Carroll, on the second Mondays of May, the third Mondays of August, and the first Mondays of November.

SEC. 2. That the clerk of the court of common pleas in any county where there is not sufficient time to draw jurors and to issue writs of venire facias, as now required by law, shall, in the presence of the sheriff, as is required by the fourth section of the act regulating juries, draw the jurors, and thereupon issue said writs at any time before or during the sitting of such court; and the court, when convened, may order such writ to be returned forthwith, and the sheriff of such county shall serve the same and make return thereof, agreeably to the command of the same, and such service and return shall be as valid in law as if such writ had been issued thirty days previous thereto.

SEC. 3. That if the court in any county shall not have finished its business before the time prescribed for holding the court in any other county of said circuit, the court may continue its term for the purpose of transacting probate and testamentary business, granting letters of guardianship, licences for taverns and ferries, for return of process, and for such other business as the parties concerned in the same, or their counsel, may agree shall be heard and decided upon.

SEC. 4. All acts and parts of acts inconsistent herewith, are hereby repealed.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 6, 1847.

AN ACT

Prescribing the times for holding the Courts of Common Pleas in the sixteenth Judicial Circuit.

Sixteenth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the courts of common pleas in the sixteenth circuit, shall be held at the several times herein prescribed: In the county of Allen, on the ninth of March, the twenty-eighth of June, and the nineteenth of October; in the county of Hardin, on the sixteenth of March, the first of July, and the twenty-sixth of October; in the county of Hancock, on the twenty-third of March, the fifth of July, and the second of November; in the county of Putnam, on the thirtieth of March, the eighth of July, and the eighth of November; in the county of Shelby, on the sixth of April, the twentieth of July, and the fifth of October; in the county of Mercer, on the twentieth of April, the thirteenth of July, and the twenty-eighth of September; in the county of Vanwert, on the twenty-sixth of April, and the twenty-first of September; in the county of Paulding, on the third of May, and the seventeenth of September; in the county of Defiance, on the sixth of May, and the thirteenth of September; in the county of Williams, on the twelfth of May, and the seventh of September: *Provided*, that if any of the days above named should fall on Sunday, the courts shall commence on the day following.

SEC. 2. If the court, in any county, shall not have finished its business before the time prescribed for holding the court in any other county of said circuit, the court may continue its term for the purpose of transacting probate and testamentary business, granting letters of guardianship, and for return of process.

SEC. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. This act to take effect from and after its passage.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 6, 1847.

AN ACT

Prescribing the times of holding the Court of Common Pleas in the eleventh Judicial Circuit, for the year 1847.

Eleventh Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas for the year 1847, shall be held in the several counties of the eleventh judi-

cial circuit at the times hereinafter prescribed, to wit : In the county of Holmes, on the first day of March, the third day of May, and the sixth day of September ; in the county of Wayne, on the fifteenth day of February, the tenth day of May, and the twentieth day of September ; in the county of Medina on the fifteenth day of March, the twenty-fourth day of May, and the fourth day of October ; in the county of Ashland, on the twenty-second day of March, the thirty-first day of May, and the eleventh day of October ; in the county of Knox, on the twenty-ninth day of March, the seventh day of June, and the eighteenth day of October ; in the county of Richland, on the twelfth day of April, the twenty-eighth day of June, and the first day of November.

SEC. 2. The second, third and fourth sections of an act prescribing the times of holding the court of common pleas in the seventh judicial circuit, passed January twenty-second, one thousand eight hundred and forty-two, shall be deemed and taken as parts of this act.

SEC. 3. All laws and parts of laws heretofore enacted, inconsistent with this act, be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after the passage thereof.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

Prescribing the times of holding the Court of Common Pleas in the twelfth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas shall hereafter be held in the several counties of the twelfth judicial circuit, at the times hereinafter prescribed, namely : In the county of Clark, on the twenty-third day of February, eighteenth day of May, and seventh day of September ; in the county of Champaign, on the twenty-third day of March, twenty-second day of June, and second day of November ; in the county of Franklin, on the sixth day of April, thirteenth day of July, and twentieth of October ; in the county of Logan, on the twenty-sixth day of April, ninth day of August, and fourteenth of October ; in the county of Union, on the fourth day of May, third of August, and fifth of October ; in the county of Madison, on the eleventh day of May, seventeenth of August, and sixteenth of November.

Twelfth Judicial Circuit.

SEC. 2. The second, third and fourth sections of an act passed on the twenty-second day of January, 1846, entitled "An act prescribing the times for holding the court of common pleas in the seventh judicial circuit," shall be deemed and taken as a part of this act.

SEC. 3. All laws and [parts] of laws inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

To amend the act entitled "An act to establish a Superior Court in the city of Cincinnati," passed March 15, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the act entitled "An act to establish a superior court in the city of Cincinnati," passed March fifteenth, one thousand eight hundred and thirty-eight, which requires the judge of said court to reside in said city, be and the same is hereby repealed; *Provided*, said judge shall reside within the county of Hamilton.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 3, 1847.

Published by order of a resolution of the General Assembly at their session of 1846-7.

AN ACT

Concerning the Superior Court of Cincinnati.

Suits or actions
may be re-
moved.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That suits or actions may be removed from the superior court of Cincinnati to the court of common pleas of Hamilton or any adjoining county, where the judge of said court is interested in the suit, or has been counsel for, or is of kin to either party.

SEC. 2. Such suits and actions shall be removed in the same manner in which they are by law removed from the court of common pleas; and the act passed at the present session, providing for the attendance of witnesses where the venue is changed, and in other cases, shall apply to suits or actions removed from the said superior court. How removed,
&c.

ELIAS F. DRAKE,
Speaker of the House of Representatives.
SEABURY FORD,
Speaker of the Senate.

March 2, 1846.

AN ACT

Making an appropriation for purposes therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That a sum not exceeding ten thousand dollars, be and the same is hereby appropriated, for the payment of the members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, door-keepers, and messengers, to be paid out of any money in the treasury not otherwise appropriated.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

January 14, 1847.

AN ACT

To authorize suits upon contracts of insurance to be brought in the county in which the contract may be made.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That upon all causes of action arising at law, or in equity, upon any contract of insurance hereafter made, or agreement to make a contract of insurance hereafter entered into, it shall be lawful for the insured, or party claiming the benefit of an agreement to be insured, to institute suit against such insurer, in the county in which such contract shall have been made, or such agreement entered into. Actions upon
contracts of in-
surance may be
instituted in the
counties in
which such
contracts may
have been
made.

SEC. 2. That in cases where the insurer resides, or the principal office of the insurer is located in any county of this state other than that in which suit is by this act authorized to Mode of issuing
process speci-
fied.

be brought, it shall be lawful for the person or persons, so authorized to bring suit, to file his or their precipe with the clerk of the court of common pleas of the county wherein such contract or agreement, as aforesaid, shall have been made, directing that a summons be issued to the sheriff, or other proper officer of the county wherein such insurer resides, or such principal office of the insurer is located; whereupon, such clerk shall issue such writ of summons as by such precipe shall be directed; and the sheriff, or other officer to whom the same shall be directed, shall execute and return the same, in the same manner and under the same penalties as is now provided by law for the service and return, by such officer, of process, from counties in this state other than that in which such officer resides.

gents equally
with principals
responsible to
process, and
remedy full in
the absence
from the State
principal.

SEC. 3. That in cases where such insurer resides, or the principal office of such insurer is located, out of this state, in all suits instituted by virtue of this act, the service of process upon the agent of such insurer for the time being, in the county in which such contract shall be made, or such agreement entered into, shall be as effectual as though the same were made upon the principal; and if, at the time of instituting such suits, there shall be no agent of such insurer to be found in the county where the same is instituted, then service made upon any agent of such insurer, in any other county in this state, in the manner pointed out in the second section of this act, with regard to the service of process upon the principal insurer, shall be equally as effectual as though the same were made upon the principal insurer.

to what con-
acts this act
be applied.

SEC. 4. That the provisions of this act shall extend to contracts of insurance, whether fire or marine, made by corporations, companies, or individuals; and whenever such contracts of insurance, or agreements for such contracts, shall be negotiated, in whole or in part, through the agent or agents of the principal insurer or insurers, such contracts or agreements shall be construed to have been made in the county where the terms of the same shall have been thus negotiated, by or through such agent or agents; provided, that the provisions of this act shall not be construed to extend to contracts of insurance or agreements for such contracts, made or entered into by any insurance company of this state, whose charter prescribes the venue where alone suits against such company, on such contracts or agreements, may be brought.

this act not to
disturb charters
of companies
prescribing the
venue.

SEC. 5. This act shall be in force from and after the first day of July next.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

January 21, 1847.

AN ACT

To amend an act entitled "an act prescribing the duties of Supervisors, and relating to Roads and Highways," passed March 20, 1837.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the public roads to be worked upon, either for opening or repairing, as required by the act to which this is an amendment, shall embrace and include all township roads, not excepted in the second section of this act, which heretofore have been, or hereafter may be laid out and established agreeably to law; and it shall be the duty of the supervisor in whose district any such township road may be situated, in whole or in part, to cause so much of the labor of the persons immediately interested in such township road, to be applied to the opening or keeping such township road in repair, as he may deem reasonable.

The act passed March 20, 1837, in reference to roads and highways so extended as to include township roads.

SEC. 2. That the public labor shall not be expended upon any township road that may be established, to lead from a state, county, or township road, to a farm house, tenant house, shop, or other improvement, unless such township road passes on and intersects another state, county or township road, leading or terminating in a county or state road; and in no case upon any township road that is incumbered by bars or gates across it.

What constitutes a township road within the meaning of this act.

SEC. 3. That so much of the third section of the act defining the mode of laying out and establishing township roads, passed March eleventh, one thousand eight hundred and thirty-one, as is inconsistent with the provisions of this act, be and the same is hereby repealed: Provided, that this act shall not apply to the counties of Defiance, Williams, Henry, Paulding, Fayette, Putnam, Allen, Mercer, Vanwert, Knox, Athens, Darke, Shelby, Miami, Coshocton, Holmes, Butler, Preble, Franklin, Madison, Clark, Ross, Muskingum, Guernsey, Gallia, Wayne, Licking, Meigs, Champaign, Union, Logan, or Hardin.

Certain counties excepted from the provisions of this act.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

January 29, 1847.

AN ACT

Repealing portions of the act passed January 12, 1844, entitled "an act to reduce the compensation of the members of the General Assembly, clerks, assistant clerks, and sergeants-at-arms."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That each member of the General Assembly shall receive three dollars for every twenty-five miles' travel in Mileage.

coming to and returning from Columbus, the distance to be reckoned by the most convenient route of public conveyance.

Per diem \$3 for the first 60 days, \$1 per day for succeeding time.

SEC. 2. That each member of the General Assembly, together with the clerks and their assistants, not exceeding four in number in each house, sergeants-at-arms and their assistants, shall receive three dollars per day for their services during the first sixty days which the legislature may remain in session; and for each day after the expiration of said sixty days, they shall receive one dollar per day.

The provisions of this act to be applied to the Gen. Assembly of 1846-7.

SEC. 3. That the members, sergeants-at-arms, and clerks, of the present General Assembly, shall be paid in accordance with the provisions of this act.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

January 29, 1847.

AN ACT

To provide for the payment of certain claims against the State of Ohio.

5000 dollars appropriated for claims arising out of requisition of the President of U. S. for volunteers in Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of five thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the payment of such claims growing out of the requisition of the president of the United States upon the governor of Ohio for three regiments of volunteers, and the call of the governor for volunteers to meet that requisition, as shall be decided by the governor, auditor of state and attorney general, under the authority of a joint resolution of the General Assembly, passed at the present session, constituting them commissioners, to adjust [to be just] claims against the State of Ohio.

The Governor, Auditor of State and Attorney General to determine what claims are just.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 1, 1847.

AN ACT

To authorize the Board of Public Works to construct a bridge across the Wabash and Erie Canal, and the Maumee river, at Defiance.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works be and hereby are authorized to enter into an arrangement, if said board are of the opinion that the interests of the state demand it, with any person or persons, to erect jointly a bridge across the Maumee river, at the town of Defiance, in the county of Defiance: Provided, said bridge shall be built at the point where, and in the manner prescribed by said board of public works; and provided, also, that the amount to be expended by said board, by said arrangement, shall not exceed the sum of five thousand dollars.

The Board of Public Works authorized to determine the expediency of constructing a bridge across the Maumee at Defiance, &c.

Amount limited which may be expended.

SEC. 2. The amount of money necessary to be used in the construction of said bridge, is hereby set apart and appropriated for that purpose, to be drawn and disbursed in the manner now provided by law: Provided, that any person or persons, who may propose to unite with the state in the erection of a bridge, under the provisions of this act, shall, before the commencement of the work, or any appropriation therefor, subscribe and pay, or secure, to the satisfaction of said board, such amount as may be determined upon as their proportion of the expense of the work.

Proviso in reference to any who may unite with the State in constructing the bridge.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 1, 1847.

AN ACT

To amend an act entitled "an act to extend the time of payment to purchasers of School Lands in this State," and an act amendatory thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the act passed January third, one thousand eight hundred and forty-three, as provides for the extension of the time of payment of purchasers of school lands until the first of January, one thousand eight hundred and forty-five, and the act to amend said act, passed March sixth, one thousand eight hundred and forty-four, for the further extension of the time of payment of purchasers of school lands until the first of January, one thousand eight hundred and forty-seven, be and the same is hereby extended until the first day of January, in the year one thousand eight hundred

Time of payment of purchasers of school lands extended to 1st of Jan., A. D. 1849.

This extension subject to the provisions of the 1st section of the act passed Jan. 3

and forty-nine, subject to the provisions contained in the provisions of the first section of the act first above mentioned, any thing in the acts to which this is an amendment to the contrary notwithstanding; and this act shall apply, also, to all installments which will fall due before the date last aforesaid.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 1, 1847.

AN ACT

To repeal an act entitled "an act to provide for the inspection of salt manufactured in the State of Ohio, and creating the office of Inspector, and defining the duties thereof," passed March 5, 1844, and for other purposes.

Former act repealed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "an act to provide for the inspection of salt manufactured in Ohio, and creating the office of inspectors and defining the duties thereof," passed March five, eighteen hundred and forty-four, is hereby repealed.

Duties of manufacturers of salt.

SEC. 2. It shall be the duty of all manufacturers of salt in the state of Ohio to have the same well and sufficiently drained, to be packed in good barrels made of good sound seasoned timber, containing in each the uniform even quantity of two hundred and eighty pounds net, the head and bilge hoops to be well nailed with not less than four nails in each hoop; one head shall be bored with some metallic instrument not less than one inch in size, the name of the manufacturers distinctly branded upon the head of each barrel, with the weight in figures, 280, directly under the same, with good durable paint.

Penalty for violating said duty.

SEC. 3. Any manufacturer refusing to comply with the second section of this act, shall be fined, for each offence, the sum of fifty cents per barrel; the same to be collected by any court having authority, as in cases of debt; complaint having first been made by any person taking cognizance of the same.

SEC. 4. Any fines thus assessed and collected, after paying all costs that shall have accrued, shall be paid into the county treasury for the benefit of common schools.

SEC. 5. Nothing in this act shall be so construed as to prohibit the manufacturers from shipping salt in bulk.

SEC. 6. This act shall take effect and be in force from and after the first day of March next.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 5, 1847.

AN ACT

Authorizing Subpoenas to run into any county in civil cases in which the State is a party in interest.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any civil suit pending in any of the courts of record in the state, wherein the state of Ohio is a party in interest, the subpoena for the attendance of witnesses, may, on application of the parties or their attorneys, issue into any county of the state, in the same manner as is provided for in criminal cases pending in said court; and on failure of any witness thus summoned to attend, the court issuing such subpoena may issue an attachment against such witness.

Subpoenas in civil as in criminal cases may run into any county.

SEC. 2. Witnesses attending, in any such case, from another county than that in which the suit is pending, shall be allowed the same fees as is allowed witnesses attending from other counties in criminal cases, to be paid by the party summoning them before the witness is sworn, in case such witness shall demand it.

Witnesses paid as in criminal cases.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.

EDSON B. OLDS,
Speaker of the Senate.

February 5, 1847.

AN ACT

To amend the act in relation to interests of husbands in the estates of their wives, passed February 28, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act in relation to the interests of husbands in the estates of their wives, passed February twenty-eight, one thousand eight hundred and forty-six, shall not be so construed as to make any interest of a husband in the property of the wife, coming within the meaning of said act, liable to be taken by any process of law or chancery, for the payment of the debts of the husband, during the life of the wife, or the life or lives of the heir or heirs of her body, which said property shall have been acquired in any way contemplated by said act, subsequent to the taking effect of the same, any thing in the proviso annexed to the third section of said act to the contrary notwithstanding.

Guarding against an improper construction of the law passed Feb. 28 1846.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.

EDSON B. OLDS,
Speaker of the Senate.

February 5, 1847.

AN ACT

To amend the act for the protection of purchasers at judicial and tax sales, passed March 2, 1846.

How the law passed March 2d, 1846, is to be construed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fourth section of an act for the protection of purchasers at judicial and tax sales, passed March second, one thousand eight hundred and forty-six, shall only be construed as giving a summary remedy to the purchaser of lands, delinquent or forfeited, for nonpayment of taxes, and not as affecting the principles which may govern any actions at law or in equity (excepting the action for forcible entry and detainer), brought for the same lands, either by or against such purchaser; provided, that the person or persons against whom such action of forcible entry and detainer is or may be brought, his or their agent or attorney shall have the right, in defence of said action, to give, in evidence on the trial, the fact of payment of the tax or taxes for which said land was sold, either before said sale was made, or payment or tender of payment, as aforesaid, to the purchaser, in accordance with the laws now, or which may hereafter be in force in this State, in relation to the redemption of land sold for taxes; and if said action is commenced and tried within the time allowed for redemption, as aforesaid, then the defendant may make tender of the tax, interest, and penalty which the plaintiff may be entitled to, and from the time such tender is made, no subsequent costs shall be adjudged against him, and said tender so made shall be a bar to the plaintiff's right of recovery in such action of forcible entry and detainer.

Right of the defendant in an action of forcible entry and detainer under said law.

Summary remedy when not used.

SEC. 2. Such summary remedy shall not be used after the title of such tax purchaser shall have been adjudged invalid, in any action at law or in equity.

Provisions of the 4th section limited.

SEC. 3. The provisions of the said fourth section shall not extend to any sale of lands, delinquent or forfeited for nonpayment of taxes, if such sale took place prior to the fourth day of July, one thousand eight hundred and forty-six.

Provisions of 9th section of same act extended.

SEC. 4. The provisions of the ninth section of the act passed March fourteenth, one thousand eight hundred and thirty-one, entitled "an act to provide for the sale of lands forfeited to the State for the nonpayment of taxes," and of the act amendatory thereto, passed February seventeenth, one thousand eight hundred and thirty-five, shall extend to all sales of land for taxes heretofore or hereafter made, under the laws of this state, or under the laws or ordinances of any city, borough, or town corporate.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 5, 1847.

AN ACT

To amend the "Act to provide for the settlement of estates of deceased persons,"
passed March 23, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That any creditor of the estate of any deceased person, whose cause of action shall accrue or shall have accrued after the expiration of four years from the time that the executor or administrator of such estate shall give or shall have given bond according to law, and before such estate is fully administered, may commence and prosecute such action at any time within one year after the accruing of such cause of action, and before such estate shall have been fully administered; and no cause of action against any executor or administrator shall be adjudged barred, by lapse of time, until the expiration of one year from the time of the accruing thereof.

Creditors of estates of decedents may commence suit within one year after cause of action accrues, altho' the estate may not be fully administered.

SEC. 2. When, by the terms of any last will, the testator shall express a wish that his executor may execute the same without giving bond, the court admitting the will to probate may, at their discretion, grant letters testamentary, with or without bond, as may seem expedient; and when granted without bond, may, at any subsequent period, upon the application of any party interested, require bond to be given, under the penalties imposed by the one hundred and ninety-ninth section of the act hereby amended.

Letters testamentary in case specified may be given without bond.

SEC. 3. When, by the terms of any last will, the testator shall express a wish that there be no appraisement or sale of his personal property, the court admitting the will to probate may, at their discretion, direct the omission of either or both of said requirements; and may, also, at any subsequent period, upon the application of any party interested, require such appraisement and sale, or either of them, as the justice of the case may require.

Appraisement and sale of personal property may in a certain case be omitted.

SEC. 4. That so much of the act to which this is an amendment, as is inconsistent with the provisions of this act, is hereby repealed.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 5, 1847.

AN ACT

To amend the act entitled "An act for the relief of insolvent debtors."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the act entitled "an act for the relief of insolvent debtors," passed March twelfth, one thousand eight hundred and thirty-one, as appropriates one of the rooms in the public buildings to the use of the commissioner of insolvents, be and the same is hereby repealed.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 6, 1847.

AN ACT

To regulate the receipt of delinquent taxes, and to repeal section twelfth of a certain act therein named.

Delinquent taxes received into the treasury of State until the 15th of April.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the treasurer of state shall receive delinquent taxes, upon the certificate of the auditor of state, until the fifteenth day of April in each year, after the delinquent lists shall have been returned to the auditor of state.

Former law repealed.

SEC. 2. That the twelfth section of the act "to prescribe the duties of the board of public works, the canal fund commissioners, the auditor and treasurer of state, in regard to the receipt and disbursement of the canal fund, and the receipt of delinquent taxes," passed March second, one thousand eight hundred and forty-six, be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

Further to amend the act entitled "an act to amend an act entitled 'an act for the support and better regulation of Common Schools, and to create permanently the office of Superintendent.'"

Provisions of former law in regard to youths taught in the German schools enlarged.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eighteen of the act entitled "an act to amend an act entitled 'an act for the support and better regulation of common schools, and to create permanently the

office of superintendent," passed March sixteenth, one thousand eight hundred and thirty-nine, is hereby so amended, that the provisions thereof shall extend to cases where the youths therein named shall attend any school taught in the German language, whether such school shall be a private or a district school, and whether such school shall be in or out of the district in which such youths reside, and whether an English school be taught in the district in which such youths reside or not.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

For the relief of creditors on the National Road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state shall file, in the office of the canal fund commissioners, complete lists of the claims specified in the schedules A, B, C, M, and number two hundred and thirty-five, as set forth in the report of the special commissioners, made to the auditor of state on the sixteenth day of December, one thousand eight hundred and forty-six, under the provisions of an act for the settlement and payment of claims for work on the National Road, passed March second, one thousand eight hundred and forty-six, as provided for in the fifth section of this act.

Duty of the Auditor of State.

SEC. 2. In stating the amount of each claim, in the hands of any assignee or person who did not actually perform the work, or furnish materials for the full amount of such claim, the auditor shall allow only such amount as such assignee, or person holding the same, actually paid for the certificate or evidence of debt, with interest thereon, up to the first day of July, one thousand eight hundred and forty-six: Provided, that the amount allowed shall not exceed the sum specified in such certificate or evidence of debt.

Regulation as to assignees of claims.

SEC. 3. The auditor shall receive such further evidence as may be offered by the claimant, to prove the validity or justice of any claim specified in said schedules; and said auditor may reject any of said claims, or reduce the amount thereof to such sum as he may deem just.

Duties and powers of Auditor specified.

SEC. 4. The auditor of state shall make such further examination in relation to the claims specified in the schedules D, E, F, G, H, I, K, L, and N, as specified in said report, as he may deem necessary to enable him to decide upon the validity

Same.

and justice of any of the claims specified in said schedules ; and he shall certify and file, in the office of the canal fund commissioners, a list of such claims as shall be allowed by him, and of the amount of each.

Same. SEC. 5. The auditor of state, in examining and allowing said claims, shall be governed by the following rules :

Same. 1st. He shall allow all claims specified in said schedules, mentioned in the fourth section of this act, founded upon certificates or evidence of debt issued by the engineer upon the National Road, or his assistant, to any person who actually performed work or furnished materials on the National Road to the amount of such certificate or evidence of debt.

Same. 2d. He shall allow the amount actually paid for any certificate or evidence of debt, by any bona fide assignee or holder of such certificate or evidence of debt, before the first day of May, one thousand eight hundred and forty-five.

Same. 3d. No claim shall be allowed, the holder of which was a party to or in any way concerned in any fraudulent contract, letting or proceeding, or who connived with the engineer or his assistant, or any other person, in any fraudulent contract, letting or proceeding.

Same. 4th. No claim shall be allowed to any person who shall not have performed work, or furnished materials on said road to the amount of such claim, or who shall not have obtained the certificate or evidence of debt bona fide, and shall have paid a valuable consideration therefor, before the first day of May, one thousand eight hundred and forty-five.

Auditor to report. SEC. 6. The auditor of state shall report, to the next General Assembly of the state of Ohio, a statement of the amount of claims which he shall have filed in the office of the canal fund commissioners, as provided in the preceding sections ; and he shall also report a schedule of the claims rejected, and a brief statement of the reasons for rejecting such claims.

Attorney Gen'l to assist Auditor. SEC. 7. That the attorney general shall assist the auditor of state in the examination of the various claims provided for in this act ; and the auditor of state shall not allow any of said claims, by virtue of the foregoing provisions of this act, without the concurrence of the attorney general.

SEC. 8. The canal fund commissioners shall make out certificates of stock for the claims, of which lists shall have been filed in their office by the auditor of state, as provided in this act, and shall deliver such certificates to the treasurer of state, as required in the act for the settlement and payment of claims for work on the National Road ; and the treasurer of state shall, upon the warrant of the auditor, pay said certificates of stock to the persons entitled to receive the same : Provided, that the auditor shall, before he issues such warrant, take from such person, or his agent, a release of all further demands against the state, for or on account of such claim.

SEC. 9. The tolls received upon the National Road, and the faith of the state, are hereby pledged for the payment of the interest upon the stock issued under this act, and for the final redemption thereof.

Tolls & faith of
State pledged.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To encourage the organization of Fire Companies, and to repeal former acts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person who is now, or shall hereafter become an acting member of any fire engine, hook and ladder, hose, or other company for the extinguishment of fire, or the protection of property at fires, now existing and in active operation, under the control of the corporate authorities of any city or incorporated town within the counties of Hamilton and Cuyahoga; or in active operation under the control of the corporate authorities of the city of Dayton, in the county of Montgomery; Chillicothe, in the county of Ross; Columbus, in the county of Franklin; and Steubenville, in the county of Jefferson; or of any such company which shall hereafter be organized under, and subject to the authorities of any cities or towns coming within the provisions of this section, shall, during the time he may continue an acting member of such company, be exempted from the performance of military duty in time of peace, from labor on the highways, and from serving as a juror: Provided, that the privileges aforesaid shall not be extended to any but active duty members, furnished with all the apparatus or equipage necessary, and all other members who have become disabled from serving as firemen, while on the discharge of their duties as such: and, provided also, that such members shall not be deprived of said privileges in consequence of temporary absence from the place where such company may be located, for a period of six months, provided it was the intention of such absentees to return and continue their duties in said company.

Members of fire
companies, in
places designa-
ted, exempted
from military
duty, labor on
the highways &
serving as ju-
rors.

These provis-
ions restricted
to active duty
members.

SEC. 2. That any person who shall have been such member of any such companies as is described in the preceding section, and shall have faithfully discharged his duties as such, for the term of five years, shall be forever thereafter exempt from the performance of military duty in time of peace, from labor on the highways, and from serving as a juror, so long as such person shall remain a resident of the city or town wherein he

Five years' ser-
vice shall ex-
empt forever, so
long as the in-
dividual resides
in place where
he became ex-
empt.

became so exempt, as aforesaid; or of the county of Hamilton, or the county of Cuyahoga, if he became exempt by virtue of service within the intent of this act, in said counties: Provided, that his said five years' service shall not be construed to mean only five consecutive years in the same company, but may consist of different periods of service, either in the same or in different companies at different times, in all amounting to five years.

Persons having served 5 years to obtain certificates.

SEC. 3. That any person who has served five years, shall be entitled to receive from the president or foreman of the company or companies of which he shall have been a member, a certificate or certificates to that effect, specifying the length of time he shall have served; and on presentation of said certificate or certificates to the clerk or recorder of the proper city or town, it shall be the duty of said clerk or recorder to file the same in his office, and give his certificate, under seal, to the person entitled thereto, setting forth the name of the company or companies of which such person shall have been a member, and the length of time he has served in each company; and such certificate shall be received in all courts and places as prima facie evidence that said person is entitled to the exemptions hereinbefore mentioned.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

To amend an act entitled "an act to provide for a uniform standard of Weights and Measures," passed February 21, 1846.

How many lbs. of certain articles shall constitute a bushel.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever wheat, rye, flaxseed, Indian corn, barley, clover seed, or oats, shall be sold by the bushel, and no special agreement as to the measurement shall be made by the parties, the bushel shall consist of sixty pounds of wheat, of fifty-six pounds of rye or flaxseed, of fifty-six pounds of Indian corn, of forty-eight pounds of barley, of sixty-four pounds of clover seed, and thirty-two pounds of oats.

SEC. 2. This act shall take effect from and after the fourth day of July next.

SEC. 3. All laws and parts of laws inconsistent with this act are hereby repealed.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

To establish the price of the Miami, Wabash and Erie; and Ohio Canal lands, and to secure their sale to actual settlers.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all lands belonging to this state by virtue of the several acts of congress making grants of lands to aid the state of Ohio in the construction and extension of her canals, and in the payment of her canal debt, with the interest thereon, together with such as is yet held by the state, under acts of congress granting lands to the state of Indiana, and ceded by that state to the state of Ohio, to aid in the construction of the Wabash and Erie Canal, shall be disposed of in the manner pointed out by the laws now in force, at thirty-three per cent. below their appraised value.

Certain lands specified to be sold at 33 per cent. less than appraised value.

SEC. 2. That said lands shall not, in any case, be sold in tracts larger than quarter sections, and no individual, firm or incorporation shall be permitted to purchase a larger quantity of said lands than one quarter of a section: Provided, that before any certificate or other evidence of purchase be issued to any purchaser of said lands, he shall pay, in the manner provided by the laws now in force, the appraised value per acre for the quantity purchased, after deducting thirty-three per cent. from the appraised value thereof, and make and subscribe an affidavit that it is, bona fide, his intention to enter upon and improve said lands within twelve months from the time of said purchase, and to reside permanently thereon: Provided also, that the provisions of this law shall not prevent the entry or purchase of any of said lands by others than actual settlers, in quantities not exceeding one hundred and sixty acres to each individual, at the appraised value of any of said lands.

The provisions of sec. 1 confined to actual settlers.

Proviso allowing other than actual settlers to purchase 160 acres at appraised value.

SEC. 3. That the affidavit prescribed in the second section of this act, may be administered by the officer authorized to issue the certificate or other evidence of purchase, or by any officer authorized to administer oaths generally, under the laws of this state; and the said affidavit shall be filed and preserved by the officer issuing the evidence of purchase, in his office.

By whom affidavit may be administered.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To amend "An act for the better regulation of the Surplus Revenue," passed February 27th, 1846.

Suits to be instituted against Co. Fund Commissioners who have not complied with this law.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the county auditor and treasurer to commence suit against the county fund commissioners in each county in which they shall not have delivered to the county auditor of their county, all notes, bonds, mortgages and evidences of debt, vouchers, papers, book [books] and property pertaining to the surplus revenue, or in which said fund commissioners shall not have accounted for and paid over to the treasurer of their county all moneys and funds in their hands or with which they are properly chargeable, as required by law.

SEC. 2. The county auditor and county treasurer shall each be allowed one per cent. upon all sums of money belonging to the surplus revenue, collected and paid over to the treasurer of state.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

To provide for the appointment of County Superintendents of Common Schools, and defining their duties, in certain counties therein named.

In counties specified Co. Commissioners may appoint Co. Superintendents.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, that the county commissioners in the counties of Ashtabula, Lake, Geauga, Cuyahoga and Medina, Delaware, Knox, Muskingum, Lorain, Portage, Holmes, Gallia, Lawrence, Champaign, Trumbull and Mahoning, Franklin, Madison, Clark, Hancock, Licking, Seneca, Sandusky, Crawford and Wyandott shall be and they are hereby authorized, at their June session in each year, to set apart, from any moneys in the county treasury not otherwise appropriated, such sum as they may deem proper for the payment of a county superintendent of common schools.

A tax may be levied.

SEC. 2. That in case there are no moneys at the disposal of the county commissioners, they are hereby authorized to levy a tax (in the usual manner) for the purpose named in the preceding section.

Superintend'nts to be elected by district clerks.

SEC. 3. That, on or before the fifteenth day of August in each year, the county auditor shall give notice, by publication for two weeks, to the clerks of school districts in the county,

of the action of the county commissioners in relation to the support of a county superintendent, and, in case the said commissioners shall have made provision for the payment of a county superintendent, the auditor shall at the same time notify the said clerks to meet at the court house in said county, for the purpose of electing the said superintendent, on the first Friday of October.

SEC. 4. On the said day of election, between the hours of ten and eleven o'clock in the forenoon, the said clerks shall appoint three of their number judges of the election, who shall be sworn by any officer having authority to administer oaths, who shall receive the votes of said clerks for one person for superintendent of common schools in said county, written or printed on paper; the said election shall close at two o'clock in the afternoon of the same day, and the said judges shall, on the same day, proceed to canvass the votes, declare the result, and make immediate return to the county auditor of the proper county, who shall give to the successful candidate a certificate of his election, under his seal of office. Mode of election.

SEC. 5. That the said county superintendent shall be ex officio chairman of the board of school examiners, and his signature be necessary to the validity of every certificate; that he may, at his discretion, renew the certificates of teachers who have been personally examined by the board, and may, with the concurrence of one of the said board of school examiners, annul the certificate of any teacher who proves incompetent in respect to learning, ability to teach, or moral character; and teachers shall be examined and certified free of charge. Duties of Superintendents.

SEC. 6. That the said county superintendent shall visit and examine all the common schools in the county, and keep a full record of such visits and examinations; that he shall meet and address the people in the several school districts and townships on the subject of education; shall encourage the formation of township and county educational societies, of teachers' associations, and promote the diffusion of intelligence relating to the cause of education, to the end that all children and youth in his county, depending upon common schools for instruction, may have the best education which those schools can be made to impart, and shall be ex officio president of the county teachers' institute. Same.

SEC. 7. That the said county superintendent shall, on or before the first day of December, annually, transmit to the state superintendent of common schools, at Columbus, an abstract of the record of his examinations of the common schools of the county, together with the report heretofore required of the county auditor, by the thirty-first section of the act entitled "an act for the support and better regulation of common schools and to create permanently the office of superintendent," passed March seventh, one thousand eight hundred and thirty-eight. Same.

Abstracts to be
sent to superin-
tendent.

SEC. 8. That the township superintendent shall hereafter, on or before the fifteenth day of November, annually, transmit to the said county superintendent such an abstract as, by the thirty-first section of the act passed March seventh, one thousand eight hundred and thirty-eight, and the third section of the act amendatory thereto, passed March seventh, one thousand eight hundred and forty-two, the said township superintendent was required to transmit to the county auditor.

SEC. 9. The provisions of all acts inconsistent with the provisions of this act are hereby repealed.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,

February 8, 1847.

Speaker of the Senate.

AN ACT

To facilitate the construction of the Electric Telegraph.

Lines of Elec-
tric Telegraphs
may be con-
structed in any
place so they do
not incommode
the public.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person or persons may be and are hereby authorized to construct lines of electric telegraphs, from point to point, upon and along any of the public roads and highways, and across any of the waters within the limits of this state, by the erection of the necessary fixtures, including posts, piers, or abutments for sustaining the cords or wires of such lines; provided, that the same shall not in any instance be so constructed as to incommode the public in the use of said roads or highways, or endanger or injuriously interrupt the navigation of said waters; nor shall this act be so construed as to authorize the erection of any bridge across any of the waters of this state.

County Com-
missioners to
appoint apprai-
sers for dama-
ges.

SEC. 2. If any person over whose land said lines shall pass, upon which such posts, piers, or abutments shall be placed, shall consider himself aggrieved or damaged thereby, it shall be the duty of the county commissioners of the county in which such lands are, on application of such person, to be made within three months after the erection of such posts, piers, or abutments on his lands, to appoint three discreet, disinterested persons as appraisers, who shall, before they enter upon the duties of their appointment, severally take an oath or affirmation, before some person authorized to administer oaths, faithfully and impartially to perform the trust and duties required of them by this act; and it shall be the duty of said appraisers, or a majority of them, on view, to make a just and equitable appraisal of all the loss or damage sustained by the applicant, by reason of said lines, piers, posts, and abutments; duplicates of which appraisal shall be reduced to writing and signed by said appraisers, or a majority of them, one copy of which shall be

delivered to the applicant, and the other to the owners or agent of said electric telegraph lines, on demand. And in case said appraisers shall assess any damages to said applicant, the said owners shall pay to said applicant the amount thereof, together with the costs of said appraisers; but if said appraisers shall award that said applicant has sustained no damages or loss, the said applicant shall pay the costs of said appraisers.

SEC. 3. The appraisers aforesaid shall each be entitled to have and receive, for their services, two dollars for each and every day when so actually employed. Pay of appraisers.

SEC. 4. Any person who shall unlawfully and intentionally injure, molest, and destroy any of said lines, posts, abutments, or the materials or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by fine, not exceeding five hundred dollars, or imprisonment in the penitentiary not exceeding one year, or both, at the discretion of the court having cognizance thereof. Fine and punishment for injuring the lines.

SEC. 5. Prosecutions, under the preceding section, shall be by indictment in the court of common pleas. Mode of prosecution.

SEC. 6. The legislature may at any time alter, modify, or repeal this act, and the stock or value invested in said lines of electric telegraph shall be subject to taxation, like other property in this state.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

For the relief of creditors of turnpike companies in which the State is a stockholder.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the creditors of any turnpike company, or a majority in value of such creditors, may, at any time after the adjournment of this general assembly, apply to the auditor of state for an examination of the affairs of such company; and the claims of such creditors, and all such claims for labor performed or materials furnished in the construction of the road of said company, as shall be found to be just and valid claims against the company, shall be allowed by the auditor. Just and valid claims to be allowed by Auditor of State.

SEC. 2. That each of said creditors shall have a right to subscribe, as capital stock in such company, not less than one-third of the whole amount of their claims allowed by the auditor as aforesaid; and the president and directors, upon receiving a sufficient release and discharge of the one-third part of such claims, shall issue to such creditors certificates of capital Creditor to take 1/3 of their claims in stock.

stock in said company, for the amount of said claims so released; and said creditors shall, after receiving such certificate, be stockholders in said company; provided, that in no case shall a certificate be issued for less than one share, or for any part of a share.

Auditor to issue warrants.

SEC. 3. That the auditor of state, if he shall be satisfied that the debts due by any turnpike company were fairly contracted in the construction of the road, shall, on the application of the creditors, who shall have taken stock in such company as aforesaid, issue to them warrants not exceeding the balance due upon the stock subscribed by the state to such turnpike company, in the manner and under the limitations prescribed in the twenty-third section of the act to provide for the payment of the domestic creditors of the state of Ohio; upon which warrants the canal fund commissioners shall issue bonds to said creditors as specified in said section.

Tolls appropriated to pay creditors.

SEC. 4. That the whole of the tolls received upon the road of any turnpike company, the creditors of which shall make application to the auditor as aforesaid, after deducting the necessary expenses and cost of keeping such road in good repair, shall be distributed and paid over by the treasurer of such company, to said creditors, whose claims shall have been allowed by the auditor, as aforesaid, in proportion to the amount of their several claims, until the balance of said claims shall be paid to said creditors.

Judgments and decrees against company to be released, &c.

SEC. 5. Before the creditors of any turnpike company shall receive any share or proportion of the tolls received upon the road of such company, or of the bonds to be issued as aforesaid, they shall file with the auditor of state a written agreement to receive the balance of their claims against such turnpike company; out of the tolls which shall be collected upon such road, after deducting from said tolls the expenses and cost of keeping the road in repair; and all judgments and decrees in favor of such creditors, against such company, shall be released and entered satisfied, and all legal proceedings on them shall be discontinued or dismissed before such creditors shall be entitled to the benefit of this act.

Tolls to be divided between the State and other stockholders.

SEC. 6. That so soon as the creditors of said companies shall be paid the balance of their claims, as provided in this act, then the tolls received upon the roads of said companies shall be divided between the State and the other stockholders, in proportion to the amount of stock held by each.

Assignees to receive only what they paid for claims.

SEC. 7. That, in examining the claims against any turnpike company, for labor performed or materials furnished in the construction of the road of such company, if any such claims shall be found to have been assigned or transferred by the original creditor, the auditor of state shall only allow thereon the amount actually paid therefor by the assignee or holder thereof, with interest from the time that such claim became due.

Sec. 8. That for the purpose of enabling the auditor of state to ascertain the facts in regard to any claim that may be presented, pursuant to the foregoing provisions of this act, he shall have power to examine the claimants and other witnesses, under oath, as to the justice of such claims, or the amount paid therefor, if in the hands of an assignee, and shall have the same power to compel witnesses to attend and testify as is possessed by the courts of common pleas of this state.

To examine
claimants and
witnesses on
oath.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To fix permanently the salaries of the State Librarian and Private Secretary to the Governor.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the librarian of the state library shall receive, for his services as librarian, the sum of five hundred dollars annually.

SEC. 2. That the private secretary to the governor shall receive, for his services as secretary, the sum of six hundred dollars annually.

SEC. 3. That all laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. That the sum of one hundred dollars is hereby appropriated, in addition to the amount provided for by the general appropriation bill, to be paid to the state librarian, as part of his salary for the year one thousand eight hundred and forty-seven; and the sum of two hundred dollars is hereby appropriated, in addition to the amount provided for in the general appropriation bill, to be paid to said private secretary, as part of his salary for the year one thousand eight hundred and forty-seven.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To provide for the payment of interest on County Orders.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county that has a floating debt in county orders, (and the amount authorized by present existing laws, to be levied for county purposes, be insufficient to defray the expenses of such county and pay the interest on their debt,) may, if they deem it just and right, levy a sufficient amount to pay the interest on their debt; which tax, when collected, shall be applied to paying the interest on the county debt, and no other purpose.

SEC. 2. This act to take effect from and after the first day of June, one thousand eight hundred and forty-seven.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To grant the right of way to any railroad company authorized by the States of Missouri, Illinois and Indiana, to construct a continuous railroad line from St. Louis to Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That right of way is hereby granted to any railroad company authorized by the legislatures of Missouri, Illinois and Indiana, to construct a continuous railroad from the city of St. Louis, in the state of Missouri, to the city of Cincinnati, in this state: Provided, said railroad company, exercising and using any rights or privileges conferred by this act, shall be subject to such provisions, restrictions and amendments, as may be enacted, at any time hereafter, by the general assembly of the state of Ohio, with reference to the subject of railroads, or that particular railroad company.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

Regulating the sale of Intoxicating Liquors.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That, hereafter, the right to grant licenses for the sale of intoxicating liquors, in the several townships in this state, shall be determined, for the year ensuing, at the annual township elections, by the votes of the qualified electors at such elections, who are hereby authorized to vote for or against such right, by a ballot upon a separate ticket, upon which ticket shall be written or printed the word "license," or the words "no license;" and such tickets shall be received by the judges of the respective election districts, and by them be deposited in a separate ballot box, (to be furnished for the purpose by the trustees of the respective townships,) in the same manner and under the same restrictions; and the result of such voting shall be certified to the clerks of the court of common pleas of the respective counties, in the same way which the law prescribes with regard to the election of justices of the peace in the several townships in this state; which result it is hereby made the duty of the clerks of said courts, respectively, to enter in suitable books, by them to be kept for that purpose, and to place on file, and preserve in their respective offices, the poll books returned under the provisions of this act; and all the provisions of law for ascertaining the qualifications of election, [electors,] at such annual township elections, and to punish perjury, fraud, and illegal voting, at such annual elections, shall be applicable to proceedings under this act, to determine whether licenses shall or shall not be granted.

The right to grant licenses for the sale of intoxicating liquors to be determined by vote.

—how elections to be conducted.

SEC. 2. That whenever a majority of electors, so voting in any township, shall vote as hereinbefore provided, for "no license," it shall not be lawful for the court, or other authority, to grant to any person whatever, any license to sell intoxicating or spirituous liquors in such township, during the next year succeeding the day on which such vote shall have been taken; nor shall any license previously granted for such purpose, be of any force or validity during such period, as aforesaid; but whenever a majority of such electors shall vote, as aforesaid, for "license," then the granting of license for the sale, within such township, of spirituous or intoxicating liquors, during the period aforesaid, shall be governed by the laws which are now, or which may hereafter be in force, in the same manner as though this act had never been passed: Provided, that this act shall not be construed to affect the force or validity of any license which has been heretofore granted in pursuance of law.

Effect of a decision by vote.

SEC. 3. That in any township in this state in which, for the time being, the right to grant licenses shall have been established, as aforesaid, if any person legally licensed to sell, retail, spirituous or intoxicating liquors, shall permit or suffer any kind

Penalties for permitting rioting, &c.

of rioting, reveling, or drunkenness, in his or her house, or on the premises occupied by him or her, or shall sell or give away, with intent to evade this act, to any person in a state of intoxication, or to any person known, by such person so selling or giving away the same, to be a person addicted to drunkenness, the person so offending shall forfeit and pay, for every such offence, a sum not exceeding one hundred dollars, and not less than ten dollars, with costs, to be recovered in an action of debt, in the name of the state of Ohio, before any justice of the peace of such township, upon complaint, by affidavit, of any citizen of the same, or by indictment in the court of common pleas of the proper county; and shall, moreover, forfeit his or her license, and be incapable of being again licensed [licensed] for the next term of twelve months after such recovery.

Fine for selling
without license.

SEC. 4. That if any person who shall not, for the time being, have a legal and valid license to retail spirituous or intoxicating liquors, shall vend or sell, or shall give away, with intent to evade the license laws of this state, any spirituous or intoxicating liquors, by less quantity than one quart, (except for medicinal or mechanical purposes,) or shall procure or permit the same to be done on his or her account, such person shall forfeit and pay, for every such offence, a sum not exceeding one hundred dollars, and not less than ten dollars, with costs, to be recovered in the manner pointed out in the preceding section; and it shall be unlawful for the person so offending, to receive a license for the retail of spirituous or intoxicating liquors, for the year next succeeding a recovery for any such offence.

How fines and
penalties to be
applied.

SEC. 5. That all fines and penalties collected under the provisions of this act, before any justice of the peace, shall be paid, as in other cases, to such justice of the peace, and by such justice shall be paid over, on or before the first day of April in each year, to the treasurer of the township in which such fines and penalties shall have been incurred, for the use of common schools in such township: Provided, that the costs in prosecutions before any justice of the peace, under the provisions of this act, when such prosecution fails, or where the same cannot be collected by reason of the inability of the defendant, or for other reason, shall be paid out of any other moneys in the hands of such justice, which, under the provisions of this section, he is required to pay into the treasury of his township; but when there are not sufficient funds in the hands of such justice, derived from the source aforesaid, to pay such costs, then the same shall be paid out of the treasury of the proper county, upon the order of the county auditor, who is hereby authorized to draw such order in favor of the person entitled to such costs, upon the presentation of a transcript of the proceedings from the docket of such justice of the peace.

SEC. 6. That all judgments recovered under the provisions of this act, shall be construed to be judgments for fines for offences, within the meaning of the second section of the act to abolish imprisonment for debt, passed March 19th, 1838; and shall, moreover, be a lien upon the premises where the liquor was sold, or offence committed, if owned by the offender; but if such premises be owned by any person other than the offender, and be occupied by such offender, with the consent of such owner, then it shall be the duty of the justice of the peace, upon the return of execution indorsed, "no money made nor property found whereon to levy," to cause a written notice of such recovery of judgment and return of execution, to be given to the owner of such premises, either by personal service, if such owner live within the township, or, if not, then by posting the same in three public places in such township; and if such owner shall not, within thirty days after such notice shall have been so given or posted up, as aforesaid, put a stop to the illegal sale of spirituous or intoxicating liquors on such premises, then all judgments thereafter recovered under the provisions of this act, for any offence committed by the retail of spirituous or intoxicating liquor, without license, on such premises, after the expiration of said thirty days, shall be a lien on such property from the date of the rendition thereof, which lien shall be enforced by scire facias, which, upon the filing of a transcript of the docket of the justice, showing the proceedings herein required to have been had, is hereby authorized to be issued from the court of common pleas of the proper county: Provided, however, that the provisions of this section, shall not extend to property which has heretofore been so leased as to be beyond the control of such owner, as to the sale of intoxicating liquors, during the continuance of such lease.

Judgments recovered under this act to be a lien on the premises, &c.

SEC. 7. That in any prosecution for the violation of any of the provisions of this act, it shall not be necessary to aver or prove the particular kind of spirituous or intoxicating liquors sold or given away, but it shall be sufficient to aver and prove the same to have been intoxicating liquor.

What may be averred and proved in prosecutions.

SEC. 8. That in all prosecutions before any justice of the peace, under the provisions of this act, the defendant shall have the same right to trial by jury, to be conducted in the same manner as in civil cases before justices of the peace, but neither party shall have the right to appeal.

Defendants may have a trial by jury.

SEC. 9. The penalties imposed by this act are intended to be cumulative only, and not to repeal the laws now in force with regard to the retail of intoxicating liquors, save so far as the same are inconsistent with the provisions of this act; in which case, such laws or parts of laws, whether general or local, are hereby repealed.

How penalties in this act to be regarded.

SEC. 10. That the act passed February 3d, 1845, entitled "an act to amend an act granting licenses, and regulating taverns," be and the same is hereby repealed; and it is hereby

Definition of terms.

further enacted, that the word "authorized," in the third section of the act entitled "an act granting licenses, and regulating taverns," passed March 3d, 1831, shall be construed to mean require.

Duty of officers.

SEC. 11. That it shall be, and is hereby made the duty of all justices of the peace, constables, and prosecuting attorneys, to prosecute persons violating the provisions of this act.

This law confined to ten counties.

SEC. 12. The provisions of this act shall extend to, and be in force only in the following named counties, to wit: Cuyahoga, Delaware, Trumbull, Mahoning, Franklin, Geauga, Lake, Ashtabula, Preble, and Marion.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

Providing for the examination of the books of County Auditors and County Treasurers.

Committees appointed, and how.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That on application in writing, made to the court of common pleas, within any county of this state, by at least twenty taxpayers of such county, it shall be the duty of such court to appoint a committee of three persons to examine the books and papers belonging to the offices of the county auditor and the county treasurer, in such county, and make a report of their proceedings to said court: Provided, said petitioners, or some one of them, shall enter into bond to the commissioners of such county, with security, to be approved by the court, conditioned for the payment of the costs of such investigation, in the event that such books shall be found to have been faithfully kept: provided, further, that no such examination shall be directed, in the same county, oftener than biennially.

Powers of committee.

SEC. 2. That the committee, thus appointed, shall have power to examine all the books and papers of said officers, having given such officers three days' notice of such intended examination, and shall also have power to examine witnesses under oath, which oath they or either of them are hereby authorized to administer, and shall have the same power to compel them to attend and testify as is given to officers taking depositions to be used in cases pending in the courts of this state; and the testimony thus taken, together with the items of the fees of ministerial officers, in the service of process issued

by such committee, and the fees of witnesses, and other necessary costs, shall be returned to the court making the appointment.

SEC. 3. That the court shall allow such committee, for their services, such compensation as they may think just, not exceeding one dollar per day, which, and the costs so returned by said committee, as provided in the preceding section, shall be paid by the county treasurer, on the certificate of the clerk of said court. Pay of committee.

SEC. 4. That the court, appointing such committee, shall, on the presentation of the report of the committee, if in their opinion the interests of the county require it, direct the prosecuting attorney of the county, or any other attorney of said county, to institute suit upon the bond of the county auditor or county treasurer, and their sureties, for a breach of the condition of their official bonds; or if, in the opinion of such court, upon the examination of the testimony so returned to the same as herein provided, such books of the county auditor and of the county treasurer shall have been faithfully kept, then it shall be the duty of such court to order, in like manner, suit to be commenced on the bond given to the commissioners of such county, as herein provided, for the collection of all the costs which such county shall have been subjected to, by reason of such investigation. How and when suits may be instituted.

SEC. 5. That this act shall take effect from and after its passage.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

To create a permanent Agricultural Fund in the State of Ohio, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be created, from the several sources hereinafter mentioned, a fund, which shall be known as the "state agricultural fund."

SEC. 2. That the minimum amount authorized to be charged by county auditors for permits, under the law passed February twenty-eighth, one thousand eight hundred and thirty-one, entitled "an act to regulate public shows," shall be and hereby is increased to twenty dollars, and that one half the revenue in each and every county, derived from such source, be set apart to the "state agricultural fund," to be paid over by the county Revenue specified which may be appropriated to agricultural fund.

treasurers to the treasurer of state, at their settlement with the auditor of state, as other moneys collected for state purposes now are, and that the other half remain, as now provided by law, for the use and benefit of the common school fund.

Escheated land
to be sold.

SEC. 3. That whenever any real or personal property shall escheat to the state, under the eighth and ninth sections of an act entitled "an act regulating descents and the distribution of personal estates," passed February twenty-fourth, one thousand eight hundred and thirty-one, and all such as have heretofore so escheated under the provisions of said law, and which have not been taken possession of under the law entitled "an act concerning escheated lands," passed February twenty-fifth, one thousand eight hundred and thirty-three, shall be taken possession of, in the name of the state, by the county auditor of the county in which such property may be found, and by him sold at public auction at the county seat of such county, to the highest bidder, after having given thirty days' notice of such intended sale, in some newspaper printed within the county.

Property to be
appraised.

SEC. 4. The court of common pleas shall, on the application of the county auditor, appoint three disinterested freeholders of the county, to appraise such real property, who shall be governed by the same rule as appraisers in sheriffs' or administrators' sales; and the auditor shall sell such property at not less than two-thirds [of] its appraised value, and may, in his discretion, sell the same for cash, or for one-third cash, and the balance in equal annual payments, the deferred payments to be amply secured; and upon the payment of the whole amount of consideration money, shall execute a deed to the purchaser, in the name and on behalf of the state of Ohio.

Money from
sales to be given
to the State Ag-
ricultural Fund.

SEC. 5. All moneys arising from sales made under this act, shall be paid over by the county auditor to the treasurer of the county, to be by him accounted for and paid into the state treasury at his annual settlement with the auditor of state, as other moneys collected for state purposes, for the use and benefit of the "state agricultural fund."

Provisions as to
the fund.

SEC. 6. The fund hereby created shall be at the disposal of the state board of agriculture for the improvement of the agricultural interest of the state, in such manner as they may deem most conducive to that object, until otherwise provided for by the legislative enactment, and shall, at all times, be held subject, upon such property being legally reclaimed by any heir, to the payment, to the purchaser of the state, of the original purchase money, and legal interest to the time of such reclamation.

City of Cincin-
nati exempt
from the above
provisions.

SEC. 7. The lands and personal property within the city of Cincinnati which, by virtue of the foregoing laws, have escheated to the state of Ohio, shall be exempt from the foregoing provisions of this bill, until otherwise provided by legislative enactment, and shall become the property and belong to said city, to be appropriated as hereinafter provided.

SEC. 8. It shall be the duty of the city council of the city of Cincinnati, at any time, to authorize such examination as they may deem proper, as to the existence of any such escheated lands within said city; and if any such lands are found to exist, or may hereafter be found to exist, said city council shall, for and in behalf of said city, take possession of such lands; and the title of all such lands shall vest in said city. Duty of City Council.

SEC. 9. It shall be the duty of said city council, when any such lands have escheated to said city, according to the provisions of this act, to cause the same to be let at such price, and for such purposes, as they may deem proper; and all rents arising from such escheated lands, shall, after deducting all necessary expenses, be paid, as they may become due, into the hands of the trustees or directors of the house of correction and reformation, in the said city of Cincinnati, to be appropriated by said trustees for the use and benefit of said institution. Same.

SEC. 10. If the objects and intentions of the establishment of said house of correction and reformation shall be hereafter abandoned or suspended, or if the rents of the said escheated lands, to be received by the said city, shall be appropriated to any other purposes than that designated in the third section hereof, the said lands shall thereby and from thence revert to the state. Same.

SEC. 11. All acts or parts of acts inconsistent with this are hereby repealed.

WILLIAM P. CUTLER;

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

Further to amend the act entitled "an act securing the benefits of the writ of habeas corpus," passed February 22, 1811.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in case of confinement, imprisonment, or detention, by any person not a sheriff, deputy sheriff, coroner, jailor, constable, or marshal of this state, nor a marshal, deputy marshal, or other like officer of the courts of the United States, the writ of habeas corpus shall be in the form following:

in of writ of
habeas corpus.

The state of Ohio, county, ss.

[SEAL.] To the sheriff of our several counties, greeting:

We command you, that the body of of
by of imprisoned, and re-
strained of his liberty, as it is said, you take and have before
a judge of our court or,
in case of his absence or disability, before some other judge of
the same court at forthwith, to do and receive
what our said judge shall then and there consider
concerning him in his behalf; and summon the said
then and there to appear before our said judge, to show the
cause of the taking and detaining of the said and
have you there this writ, with your doings thereon. Witness
at this day of in
the year

How and where
served.

SEC. 2. Such writ may be served in any county, by any sheriff of the same or any other county.

How returned.

SEC. 3. When such writ shall be issued by a court in session, if such court shall have adjourned when the same is returned, it shall be returned before any judge of the same court; and if such writ is returned before one judge, at a time when the court is in session, he may adjourn the case into the court, there to be heard and determined.

How person
having charge
of prisoner to
be designated.

SEC. 4. The person having the custody of the prisoner may, in all writs of habeas corpus, whether issued under this act, or the act of which this is an amendment, be designated by his name of office, if he have any, or by his own name; or, if both such names are unknown or uncertain, he may be described by an assumed appellation; and any one who is served with the writ, shall be deemed the person intended thereby.

Name, &c.

SEC. 5. The person to be produced shall be designated by his name, if known, and if that is unknown, or uncertain, he may be described in any other way so as to make known who is intended.

How and what
statement to be
made by person
having in custo-
dy the prisoner.

SEC. 6. In cases, other than those provided for by the first section of this act, the person who makes the return shall state therein, and in the cases provided for in this act, the person in whose custody the prisoner shall be found shall state, in writing, to the court or judge before whom the writ is returnable, plainly and unequivocally—

First. Whether he has, or has not, the party in his custody or power, or under restraint.

Secondly. If he has the party in his custody or power, or under restraint, he shall set forth, at large, the authority, and the true and whole cause of such imprisonment and restraint, with a copy of the writ, warrant, or other process, if any, upon which the party is detained; and,

Thirdly. If he has had the party in his custody or power, or under restraint, and has transferred such custody or restraint to another, he shall state, particularly, to whom, at what time, for what cause, and by what authority such transfer was made.

SEC. 7. The return or statement shall be signed by the the person making it; and it shall also be sworn to by him, unless he is a sworn public officer, and shall make the return in his official capacity.

SEC. 8. That upon the return of any writ of habeas corpus, issued as aforesaid, if it shall appear that the person detained or imprisoned is in custody under any warrant or commitment in pursuance of law, the return shall be considered as prima facie evidence of the cause of detention; but if the person so imprisoned or detained, is restrained of liberty by any alledged private authority, the return of said writ shall be considered only as a plea of the facts therein set forth, and the party claiming the custody shall be held to make proof of such facts; and upon the final disposition of any case arising upon a writ of habeas corpus, the court or judge determining the same shall make such order as to costs as the case may require.

Regulations as to returns.

SEC. 9. That when any writ of habeas corpus shall have been allowed, the court or judge to which the same shall be returned, or into which it shall be adjourned, shall, for good cause shown, continue the said cause, and shall make order for the safe keeping of the person imprisoned or detained, as the nature of the case may require.

Cause may be continued.

SEC. 10. That the proceedings upon any writ of habeas corpus shall be recorded by the clerks, respectively, and may be reviewed, and writs of error and certiorari as in other cases now provided by law.

Record of writs.

SEC. 11. That the associate judges of the court of common pleas of the several counties in this state, shall be allowed the sum of two dollars for every allowance of the writ of habeas corpus, and the hearing and determining of the case upon the return of such writ, which sum, together with the fees of the clerk, sheriff, and witnesses in the case, shall be taxed by such associate judge, on his return of his proceedings on such writ, and the same when the person brought before such judge, on such writ, was in custody by virtue of the proceedings in any case in which such person is charged or attempted to be charged with the commission of any criminal offence, and when such person shall either be held to bail, or shall be remanded to custody, by such judge, shall be taxed and collected as a part of the original costs in such case; but when such person shall be wholly discharged by such judge, such costs shall be taxed to the state and paid out of the county treasury of the proper county, upon the order of the county auditor; but where such person was in custody by virtue or under color of proceedings in any civil case, such costs shall be taxed against the party at whose instance such person was so in custody, in case he shall be discharged, but

Fees.

against such person so in custody, in case he shall be remanded to custody: Provided, that no person or officer shall have the right to demand the payment, in advance, of any fees which such person or officer may be entitled to by virtue of such proceedings on habeas corpus, when such writ shall have been issued or demanded for the discharge from custody of any person confined under color of proceedings in any criminal case.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To amend the several acts relating to the Militia.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the act passed March 12th, 1844, entitled "an act to regulate the militia," as limits the operation of that act, or any act amendatory thereto, to time of peace, be and the same is hereby repealed.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To amend the "act for the distribution and safe keeping of the Laws and Journals," passed March 12, 1831.

Certain officers
entitled to
laws.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That, in addition to the officers named in the sixth section of the act to which this is an amendment, as being entitled to receive one copy of the general laws, every mayor, or other presiding officer in any incorporated town or city in this state, and each clerk to the several boards of directors of the county poor houses shall be entitled to receive one copy of the said general laws, for the use of his office.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

Restraining the power of County Commissioners to remit fines, penalties, and judgments, in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for the county commissioners of the several counties, hereafter, to compound for, remit, or release, either in whole or part, any penalty, fine or judgment incurred, assessed or rendered under any law to regulate license, or restrain the vending or giving away of spirituous liquors, or the keeping of taverns; any law to the contrary notwithstanding.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

To amend an act entitled "an act for the encouragement of Agriculture," passed February 27, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Ohio State Board of Agriculture shall consist of ten members, five of whom shall constitute a quorum. Ten members
in State Board
of Agriculture,

SEC. 2. That Allen Trimble, M. L. Sullivant, Samuel Medary, Darius Lapham, A. E. Strickle, Arthur Watts, M. B. Bateham, John Coddington, Jared P. Kirtland, and Isaac Moore, be continued members of the board; their term of service and the mode of appointing their successors to remain unaltered by this act. Names of mem-
bers.

SEC. 3. That the sum of two hundred dollars be, and the same is hereby appropriated from the treasury for the use of the board, and an account of the expenditures of the board shall be included in the annual report of the board to the general assembly. Appropriation
for expenses.

SEC. 4. So much of the law to which this is an amendment as conflicts with the provisions of this act is hereby repealed.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

To authorize the making Roads and Drains in certain cases.

Who entitled to the provisions of the law.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person, persons, or company, having the ownership or possession of low lands, lakes, swamps, quarries, mines, or mineral beds that, by means of adjacent lands belonging to other persons or public highway, cannot be approached, worked, drained, or used in the ordinary manner without crossing said lands and highways, may be authorized to establish roads, drains, ditches, railways, or tunnels to said places, in the manner herein provided.

How remedy may be obtained.

SEC. 2. The party desiring to make such improvement shall file a petition therefor with the commissioners of the county where the premises are situated, setting forth, in detail, the proposed work, and the situation of the adjoining lands, accompanied by a bond, to the satisfaction of the county auditor, and made payable to him, conditioned to pay the expenses of the committee of view or review, as hereinafter provided.

How viewers are appointed—their duties and pay.

SEC. 3. The commissioners of the county, on the filing of said petition and bond, and at their first meeting thereafter, shall appoint a committee of view, and fix their compensation per day, to be composed of not less than three, nor more than five judicious, disinterested persons, to meet on the premises on a day named, within one month from the date of their appointment, and by examination and inspection, determine whether the proposed improvement is necessary to the ordinary working, occupation and beneficial use of said grounds, swamps, ponds, low lands, mines, or mineral beds; and if so, said committee shall proceed to lay out and establish the same, of a width not exceeding sixty feet, and in such a manner as to do as little injury as practicable, and shall, furthermore, fix and assess the amount of damages which any proprietor of adjacent lands will be likely to sustain, and report and return the same, with all their proceedings, to the county auditor, within ten days from the time when said appointment shall be completed; but before said committee shall proceed to said examinations, they shall be satisfied that three weeks' notice, setting forth the time and place thereof, has been published in some newspaper in general circulation in the proper county, prior to the day fixed upon by the commissioners.

Notice of a view to be given.

Duties of commissioners.

SEC. 4. At the next meeting of the county commissioners, after the return of the committee is received, said commissioners shall proceed to consider the subject, and if they shall be of opinion, taking into view the public as well as private interests, that said improvements would be advantageous and desirable, they shall fix the same in the manner described in the petition and report, and cause a copy of said description and record to be made out for the benefit of the party praying therefor, unless either party shall, ten days before said meeting of the

Review and re-assessment may be had.

commissioners, file a petition for a committee of review and reassessment.

SEC. 5. In case a petition for review is filed, as aforesaid, the party filing the same shall file a bond, as aforesaid, for the payment of the expenses of said committee, and the same shall be appointed and act, in all respects, in the manner pointed out for the committee of view, and on return and report of their proceedings of review, the commissioners shall take the same action as in the case of the committee of view.

Bond to be given.

SEC. 6. The party praying for said improvement shall cause the final report of the commissioners to be recorded in the record of deeds, and shall pay or tender to each of the parties reported to be injured, as aforesaid, the full amount of money assessed by said committee of view or review, before entering upon the premises in order to complete said works; and if the same shall be received, it shall be in full of said damages, but if it shall not be received, it shall be deposited with the county treasurer, for the use of the party injured.

Party petitioners to pay assessment.

SEC. 7. The party refusing said award and tender, shall not be debarred his action at law for damages, in the proper courts, but unless a larger amount is recovered than the tender aforesaid, or otherwise, the plaintiff shall pay his own costs.

Remedy for dissatisfied party.

SEC. 8. Works constructed under the provisions of this act shall be entitled to the benefit of all laws for the protection of railways and canals in this state.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To exempt revolutionary soldiers from taxation.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That each revolutionary soldier residing within this state, and recognized as such by the general government, shall be entitled to hold, exempt from taxation, property to the amount of five hundred dollars; and this act shall be taken as an amendment to section three of the act entitled "an act for levying taxes on all property in this state according to its true value," passed March second, one thousand eight hundred and forty-six.

Property of revolutionary soldiers, to amount of \$500, exempt from taxation.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To amend the act defining the powers and duties of Justices of the Peace and Constables in civil cases.

Plaintiffs' in actions before justices of the peace required to deposit money, or give security for costs, if they change residence from the township before trial.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any creditor or other person, who shall commence an action before any justice of the peace in the township in which said creditor or other person may reside at the time of the commencement of said action; and if said creditor or other person shall remove from the township in which he has commenced his action, before the same is tried and decided by the justice of the peace before whom such suit or action is brought, then and in that case the justice of the peace may demand of such creditor, or other person, to deposit with such justice of the peace the probable amount of costs that may accrue in the case, or enter into recognizance to the adverse party, with sufficient surety, resident in the township, conditioned for the payment of all costs that may accrue in the prosecution of such suit.

Regulating joint actions.

SEC. 2. All joint actions brought before a justice of the peace, upon any joint contract, where one or more of the joint contracting parties named as defendant, is a principal debtor, and one or more of the joint contracting parties named as defendant in a suit, such suit shall be brought in the township in which one of the principal debtors shall reside.

Certain provisions defined.

SEC. 3. The provisions of the fifth, sixth, and seventh sections of the act to amend "the act defining the powers and duties of justices of the peace and constables in civil cases, passed March, eighteen hundred and thirty-one," passed February seventeenth, eighteen hundred and forty-six, shall not extend to any actions, except those founded in contract.

SEC. 4. This act to take effect and be in force from and after the fourth of July next.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

To regulate the compensation of Associate Judges and other officers therein named.

Fees of associate judges regulated.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, during the recess of the courts of common pleas, any associate judge, in any county in this State, shall hold more than one inquest of lunacy on the same

day, it shall not be lawful for the county auditor to draw his order on the county treasurer, in favor of said associate judge, for a greater amount than the legal fees in one case.

SEC. 2. Be it further enacted, that whenever any associate judge shall receive his per diem compensation for services during the regular session of the courts of common pleas, it shall not be lawful for him to receive compensation out of the county treasury for any other services performed during the same day. Same.

SEC. 3. Be it further enacted, that jurors, serving on more than one inquest of lunacy on the same day, shall each be entitled to receive one dollar for his services, and no more. Of jurors.

SEC. 4. Be it further enacted, that justices of the peace shall be entitled to receive the following fees: For issuing a warrant, twenty-five cents, and no more, although more than one person be named therein; for taking recognizance of bail, twenty-five cents for one person; for each additional person, four cents; for a commitment to jail, twenty-five cents, and no more, although more than one person be named therein. Fees of justices.

SEC. 5. That sheriffs, marshals, and their deputies, constables and watchmen, when required by any examining court to take charge of the defendant or defendants, during the examination of such defendant or defendants upon any charge for the commission of a crime or offence against the laws of this state, shall be allowed the sum of seventy-five cents for rendering the service so required of them as aforesaid; which sum shall be taxed and paid in the same manner that the other fees of such officers, in the same or like cases, are taxed and paid; but such officers shall not be entitled to receive fees for testifying upon such examinations, when acting as the officers of such examining courts. Of sheriffs, &c.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

Relating to Insurance on Life for the benefit of Orphans and Widows.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any person to effect an insurance on his life, for any definite period of time, or for the term of his natural life, to inure to the sole benefit of his widow or children, or of either, as he may cause to be appointed and provided in said policy; and the sum or net amount of insurance becoming due and payable by the terms of the insu- Insurances for benefit of widow & children exempt from claims of creditors.

Proviso.

rance, shall be payable to his widow or to his children, for their own use, as may have been provided in the policy, exempt from all claims by the representatives and creditors of such person: provided, that the amount of premium annually paid on such policy shall not exceed the sum of one hundred and fifty dollars; and in case of such excess, there shall be paid to the beneficiaries named in the policy, such portion of the insurance as the sum of one hundred and fifty dollars will bear to the whole annual premium, and the residue to the representatives of the deceased.

Married women may obtain insurances which shall be exempt from claims.

SEC. 2. It shall be lawful for any married woman, by herself and in her own name, or in the name of any third person, with his assent as her trustee, from her separate property, to cause to be insured, for her sole use, the life of her husband for any definite period or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of the insurance shall be payable to her and for her own use, free from all claims by her husband's representatives or creditors.

Further provision.

SEC. 3. In case of the death of the wife before the decease of her husband, the amount of the insurance, in either of the above cases, where the same has been secured for her benefit, may be made payable to her children for their use, and to their guardians, if the children be under age.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

An act relating to the Records of the Board of Public Works.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all copies from the books and records in the office of the board of public works, and of any bonds, leases, accounts and other papers therein, certified by the president of said board, shall be received as legal evidence in all courts and places in this state, where the originals would be evidence.

SEC. 2. That all leases deposited in the office of the said board of public works, in which the state is interested, shall be recorded in suitable books to be provided for that purpose.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

To amend the "Act allowing and regulating Writs of Replevin before Justices of the Peace," passed February 14, 1846.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever a writ of replevin shall come into the hands of a constable, to be served, and the property cannot be found in the township in which the defendant lives, the said constable may serve the writ in any other township in the same county.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

To amend the "Act regulating Judgments and Executions, passed March 1, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any goods and chattels, levied upon by virtue of any writ of fieri facias, issued from any court of record in this state, shall be claimed by any person other than the defendant in execution, pursuant to the sixth section of the act hereby amended, and the jury summoned to try the right of such claimant to such property, pursuant to the seventh section of the act aforesaid, shall find a verdict in favor of the claimant, such jury shall also find, and return in their verdict, the value of the property so found by them to be the property of the claimant; and if the plaintiff in execution shall, at any time within three days after such trial, tender to the sheriff or other officer having such property in his custody on execution, a bond, with good and sufficient sureties, payable to such claimant, in double the amount of the value of such property, conditioned for the payment of any final judgment which such claimant may recover against the plaintiff in execution, in any court having jurisdiction thereof, for damages sustained by reason of the detention or sale of such property; in such case such sheriff or other officer shall deliver said bond to the claimant, and proceed to sell such property as if no such trial of the right of property had taken place, and shall not be liable to the claimant therefor.

In trials of the right of property, the plaintiff in execution may have the property sold by giving bond, and the officer is released from liability to claimant.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

To amend an act entitled "An act creating the office of County Surveyor, and defining his duties.

County Surveyors to keep records and books which shall be public property.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fourteenth section of the above named act be and the same is hereby so far amended, as to require each county surveyor to keep a fair and accurate record of all his surveys, whether official or not.

SEC. 2. That all the books kept by any county surveyor in pursuance to [of] this act, or the act to which this is an amendment, are hereby declared public property, and the same shall at all times be open for public inspection, at his office.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

Making appropriations for the year one thousand eight hundred and forty-seven.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums be and they are hereby appropriated, out of any money in the treasury not otherwise appropriated, to be paid for the year one thousand eight hundred and forty-seven, viz :

Officers of Gen. Assembly. For payment of the members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, door-keepers and messengers, a sum not exceeding fifteen thousand dollars, in addition to the sum already appropriated ;

Postage. For payment of postage of the members and clerks, a sum not exceeding three thousand five hundred dollars ;

Officers of State, & clerks. For paying the salaries of the governor, auditor, treasurer and secretary of state, the attorney general, fund commissioner, members of the board of public works, librarian, warden, directors and physicians of the penitentiary, secretary of the governor, eight clerks in the auditor's office, clerks in the treasurer's office, clerk in the secretary of state's office, and secretary to the fund commissioners, seventeen thousand dollars ;

Contingent funds of State officers. For contingent fund of the governor, three thousand seven hundred dollars ;

For contingent fund of the auditor, two thousand five hundred dollars ;

For contingent fund of the treasurer, six hundred dollars ;

For contingent fund of the secretary of state, four hundred dollars;

For payment of the salaries of the judges of the supreme court, sixteen president judges of the courts of common pleas, one judge of the superior court of Cincinnati, and one reporter to the court in bank, twenty-five thousand three hundred dollars;

Judges.

For the Lunatic Asylum, viz: the salaries of the superintendent, assistant physicians, and steward, two thousand nine hundred dollars; for provisions, household expenses, clothing, fuel, servants' labor, stationery, and incidental expenses, twenty-three thousand three hundred dollars; for completion of the building and furnishing the same, four thousand two hundred dollars; for payment of the existing debt for constructing building, one thousand eight hundred dollars;

Lunatic Asylum.

For the Deaf and Dumb Asylum, viz: for salaries of the superintendent, steward, six teachers, matron and assistants, five thousand five hundred dollars; for provisions, household expenses, clothing, fuel, servants' labor, and contingent expenses, four thousand five hundred dollars; for payment of the debt contracted on the new building, five hundred dollars;

Deaf and Dumb Asylum.

For the Institution for the Blind, viz: for salaries of the superintendent, steward, teachers, assistants and artizans, three thousand six hundred dollars; for provisions, clothing, furniture, and hire of servants, three thousand dollars; for stationery, books, musical instruments, repairs, improvements, materials for the workshop, and contingencies, one thousand two hundred and forty dollars; for the purchase of a lot planted with willows, one hundred and sixty dollars;

Asylum for the Blind.

For the state library, six hundred dollars;

State Library.

For stationery for the state, two thousand dollars;

Stationery.

For the state printing, a sum not exceeding ten thousand dollars;

State Printing.

For distribution of the laws and journals, a sum not exceeding one thousand dollars;

Law distribution.

For the purchase of fuel for the legislature and the state offices, a sum not exceeding four hundred dollars;

Fuel.

For salary and expenses of the quartermaster and adjutant generals, each five hundred dollars;

Expenses of Qr. Master and Ad't Generals.

For repairing, cleaning, and taking care of public arms, a sum not exceeding one thousand dollars;

For payment of treasurer's mileage, a sum not exceeding one thousand five hundred dollars;

For refunding taxes erroneously collected, a sum not exceeding three thousand five hundred dollars;

For the Ohio penitentiary, payment of transportation of convicts, and costs of prosecution, a sum not exceeding seventeen thousand dollars;

Ohio Penitentiary.

For payment of bounties on wolf scalps, a sum not exceeding two hundred dollars;

For payment of the commissioners and clerk of the board to investigate the accounts of the board of public works, their traveling expenses, and witness fees, a sum not exceeding eight hundred dollars: Provided, however, that no compensation shall be allowed for services rendered after the adjournment of the present general assembly;

Expenses on
National Road.

For payment of engineers on the National Road, the sum of one thousand four hundred dollars, to be paid out of the tolls collected thereon;

Claims.

For payment of claims allowed by resolutions of the last and present general assembly, a sum not exceeding five thousand dollars;

Commissioners
on the remains
of Gen. Hamer,

For the expenses of the commissioners appointed to bring to Ohio the remains of General Hamer, five hundred dollars;

For postage and expenses of office of the attorney general, two hundred dollars;

For the purchase of land for hydraulic purposes by the board of public works, five thousand dollars;

For the per diem, mileage, and expenses of the members, and per diem and expenses of the clerk, of the board of commissioners to examine the books, accounts, and proceedings of the auditor and treasurer of state, two thousand five hundred dollars: Provided, the pay of the members of said board shall be three dollars each per day, and two and a half dollars for every twenty-five miles travel.

SEC. 2. That the appropriations herein made, are in addition to former unexpended balances: Provided, however, that in no case shall any debt be contracted by any officer or institution named in this act, which cannot be fully met by the appropriation to such officer or institution.

SEC. 3. There shall be assessed for the year one thousand eight hundred and forty-seven, upon the grand levy of the state, in the manner prescribed by the "act for levying taxes on all the property of the state according to its true value in money," and the acts supplementary and amendatory thereto, for general revenue purposes, the sum of one-half of one mill upon the dollar valuation; and for school purposes, the sum of one-fifth of one mill on the dollar valuation.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To amend an act entitled "an act to provide for the partition of real estate," passed February 17, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the court shall make an order for the sale of real estate, on petition for partition, it shall be the duty of the sheriff executing said writ, to sell the same at the door of the court house, unless the court, for good cause, shall direct the same to be sold on the premises, in which case they shall be sold on the premises, agreeably to such direction.

Where prop'ty
is to be sold.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To amend the "act for levying taxes on all property in this State according to its true value," passed March 2, 1846, and relative to levying road tax in certain counties.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township assessors of the counties of Ashtabula, Trumbull, Mahoning, Lake, Geauga, Cuyahoga, Portage, Summit, Medina, Lorain, Huron, Belmont, Monroe, Ottawa, and Erie, may, at any time before the tenth day of February, in each year, leave the notice required by the thirtieth section of the act to which this is an amendment, and they shall, before the first day of March, annually, call upon every person within the townships for the statement which such person is required to make, as provided in the thirty-first section of the act to which this is an amendment; that this act shall be in force, and take effect from and after the first day of January, one thousand eight hundred and forty-eight, any thing in the fourth section to the contrary notwithstanding.

Township as-
sessors to leave
notice before
10th of Feb. &
call for state-
ment before 1st
of March.

SEC. 2. The assessors of the above named counties shall make out complete lists of persons and property, as required by the act to which this is an amendment, or acts amendatory thereto, and shall, in all respects, be governed by the requirements of such act or acts, except so far as modified by this act; which lists shall be delivered to the county auditors of the respective counties before the tenth day of March, annually.

Assessors to
make lists of
persons and
property, and
deliver to Audi-
tor before 10th
of March annu-
ally.

SEC. 3. That the commissioners of said counties shall, at their annual meeting, on the first Monday of March in each year, determine the amount of tax to be raised for road purposes for that year, and the auditor of each of said counties

Tax to be ap-
plied for road
purposes.

shall assess the same upon the duplicate of property of that year, any thing in any law to the contrary notwithstanding.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

February 8, 1847.

AN ACT

To amend the "act for levying taxes on all property in this State according to its true value," passed March 2, 1846.

Special County
Boards for
equalization.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners, county auditor, and county surveyor shall be a special board of equalization for each county, for the purpose of making a more perfect equalization of the real property of each county: Said special board of equalization, or a majority of them, shall meet at the auditor's office, in each county, on the second Monday of April next, and shall proceed to equalize the real property of their county according to the first three rules prescribed in the forty-fourth section of the act to which this is an amendment; and said county board shall have the further power to add to or deduct from the valuation of any town, township or district, or of any part of such town, township or district, such per cent. as will equalize the value of such town, township or district, or any part thereof, with the value of the other real property of such county: Provided, that said board shall not reduce the value of real property of the county below the amount established by the state board of equalization.

Special Board
for Cincinnati.

SEC. 2. There shall be a special board of equalization for the city of Cincinnati, to be composed of the county auditor, and one member from each ward of the city, to be appointed by the city council; and said special board shall meet at the court house on the first Monday of April next, and shall proceed to equalize the real property within the city of Cincinnati; and said board shall be governed by the same rules and provisions and limitations that are prescribed for the government of the special county board of equalization, and shall, in no case, reduce the value of real property of the city below the amount established by the state board of equalization.

Duty of County
Auditors.

SEC. 3. The county auditors shall lay before the said special board of equalization, the valuation of the several parcels of real property in the county, and the aggregate value of the

several towns and townships, as equalized by the state board of equalization, with such maps, papers, returns, lists, and abstracts as are in their offices; and said special board shall keep a regular journal or record of their proceedings, which they shall, upon the final adjournment of the board, deposit with the auditor of their county; and the county auditors shall add to, or deduct from the value of any tract, lot or parcel of real property, of any township, town or district, as returned by the state board of equalization, such sum or per centum as shall have been ordered by the special county board of equalization.

SEC. 4. The county commissioners and county auditor shall be a county board of equalization; and said board, or a majority of them, shall meet on the first Monday of June, annually, for the purpose of hearing complaints and equalizing the assessments of all personal property, moneys, and credits, new entries and new structures, returned by the township assessors, within their respective counties; and said board shall have power to add to or deduct from the valuation of the personal property, or moneys, or credits of any person, returned by the assessor, upon such evidence as shall be satisfactory to said board, whether said return be made upon the oath of such person or upon the valuation of the assessor: Provided, that said board shall not reduce the aggregate amount of the personal property, moneys and credits, and new entries and new structures returned by the assessors of their counties.

Annual County Boards.

SEC. 5. That the annual county board of equalization shall, in the equalization of the several new structures, and of the new entries returned by the township assessors, be governed by the fourth rule, being the last clause of the forty-fourth section of the act to which this is an amendment.

Rule for government of said Boards.

SEC. 6. That all liquidated credits of any person, company, or firm, for property sold, work done, or services rendered, over two hundred dollars in value, in the aggregate, shall be listed and taxed as other credits subject to taxation by the law to which this is an amendment.

What liquidated credits taxed.

SEC. 7. The provisions of the seventh section of the act to which this is an amendment, shall be extended to leasehold property held under leases from the state.

State leases taxed.

SEC. 8. The exemptions of the third section of the act to which this is an amendment, shall be extended to females who are not householders; and the eleventh and twelfth items of said section, shall not be held to include china ware, gold or silver plate, or jewelry, but the value of such property shall be included in the ninth item of the statement required to be made out by the ninth section of said act.

Exemptions extended to females, &c.

SEC. 9. In all cases in which township assessors are required, in consequence of the sickness or absence of the person whose duty it is to make out a statement of personal property, moneys and credits, or in consequence of his neglect or refusal to make out, or to be sworn to such statement, to ascertain the

In certain cases the assessor to fix the value of property; and how.

amount and value of such personal property, moneys and credits, if the assessor shall be unable to obtain positive evidence of the amount and value of such property, moneys and credits, he shall return such amount and value as, from general reputation and his own knowledge of facts and circumstances, he believes to be the full amount and value of such property, moneys and credits.

Statements of
property may
be received
when notice is
left.

SEC. 10. Township assessors shall receive the statement of every person who shall be willing to make out and be sworn to the statement of his personal property, moneys and credits, at the time he shall cause [call] to leave a notice with such person; and said assessors may, at any time before the twentieth day of May, in each year, leave the notice required by the thirtieth section of the act to which this is an amendment; and he shall, before the first day of June, annually, call upon every person within the township for the statement which such person is required to make, as provided in the thirty-first section of the act to which this is an amendment.

Complete lists
to be made out.

SEC. 11. Township assessors shall make out complete lists of the persons and property subject to taxation, as prescribed in the thirty-fourth section of the act to which this is an amendment; and, in making out such lists, the number and value of the several enumerated articles, the value of the unenumerated articles, and of merchants' and manufacturers' stock, and of moneys and credits, shall be stated in separate columns, which shall be added up, and the several columns footed, with an entry in the proper column, showing that the statement was "sworn to," or that the person was "sick," "absent," or, from some other cause, unable to make such statement; which lists, with the statements returned to the assessor, and the books in which the original assessments were entered, shall be delivered to the county auditor on or before the first day of June, annually.

—when ret'rn'd.

Assessor's pay.

SEC. 12. Township assessors shall be allowed one dollar and twenty-five cents per day, to be paid out of the county treasury, for the time which they shall be necessarily employed in the performance of their duties. Assessors shall make out their accounts in detail, giving the date of each day which they shall have been employed, which account they shall verify under oath; and the county auditor, if he shall find such account to be correct, shall draw an order on the treasurer for the same; but in no case shall the county auditor give an assessor an order for his compensation until he shall have filed his list of assessments, with the statements returned to him, and the books in which the original assessments were entered, with the auditor; the lists to be accurately made out and added up.

50 per cent.
penalty added
in certain cases.

SEC. 13. County auditors, in making out the duplicates of personal property, moneys and credits, shall add fifty per cent. to the amount of the personal property, moneys and credits, of every person opposite to whose name the assessor shall not have

noted, in his return, the words "sworn to," "sick," or "absent," or such other word as will express the cause of inability.

SEC. 14. The county auditor, if he shall believe or be informed that any person has given to the assessor a false statement of the personal property, moneys or credits, or that the assessor has omitted to return the full amount of any property, moneys or credits, required to be listed in his township, or has made an erroneous return of any property, moneys or credits, which are by law subject to taxation, shall proceed, at any time before the final settlement with the county treasurer, to correct the return of the assessor, and to charge such person on the duplicate with the proper amount of taxes; to enable him to do which, he shall be invested with all the powers conferred on the assessors by the forty-third section of the act to which this is an amendment; and it shall be the duty of the auditor, in all such cases, to notify such person, before making the entry upon the duplicate, that he may have an opportunity of showing that his statement, or the return of the assessor, was correct; and the county auditor shall, in all such cases, file in his office a statement of the facts or evidence upon which he made such correction, but he shall in no case reduce the amount returned by the assessor without the written assent of the auditor of state, given on a statement of facts submitted by the county auditor.

How returns corrected.

SEC. 15. In making out the duplicate of real property, county auditors shall not be required to place upon the duplicate of real property, as "one parcel," parts of different sections, tracts, lots or surveys; and in all cases where the whole amount of the taxes upon the personal property, moneys and credits of any person, shall not amount to five cents, the auditor shall not enter the same upon the duplicate, if such person has no other taxable property: and so much of the second section of the act to which this is an amendment, as defines a "separate parcel of land" and a separate parcel of real estate, and so much of the fifty-third section as provides that the county auditor shall carry out no fraction of a cent on the duplicate, is hereby repealed.

Directions as to making out duplicate.

SEC. 16. In making out the duplicates of personal property, moneys and credits, the total amount of personal property, moneys and credits of each person, shall be entered in one column, and the total amount of taxes levied for all purposes, except the road tax, shall be entered in another column opposite to the property of each person, and the total amount of taxes levied in each township and town shall be added up, and the aggregate amount of the state, county, township, and all other taxes levied in such township or town, shall be separately noted and entered at the foot of the duplicate of each township and town; and a copy of such duplicate, or the original, shall be delivered to the county treasurer on or before the fifteenth day of September, in every year.

Further directions.

When abstracts
and copy of
grand list to be
forwarded to
Auditor of
State.

SEC. 17. County auditors shall make out and transmit, by mail, to the auditor of state, on or before the first day of October in every year, a complete abstract of such duplicate; and he shall also, at the same time, make out and transmit to the auditor of state an abstract of the number and value of each of the enumerated articles, and the value of the unenumerated articles, the value of merchants' and manufacturers' stock, and the value of moneys and credits as returned by the township assessors, or as fixed by the county board of equalization: said abstracts to be made out in such form as the auditor of state shall prescribe; and shall also make out and transmit to the auditor of state, before the first day of December next, a complete copy of the grand list of real property of each county, as it shall stand upon the duplicate of one thousand eight hundred and forty-seven.

The Treasurer
to apply to
Court of Com
mon Pleas in
cases specified.

SEC. 18. If the county treasurer shall be unable to collect the taxes which have been, or hereafter shall be assessed upon any executor, administrator, guardian, receiver, accounting officer, agent, factor, or other person, such treasurer shall apply to the court of common pleas in his county, and the court shall cause a notice to be served upon such executor, administrator, guardian, receiver, accounting officer, agent, factor, or other person, requiring him forthwith to show cause why he should not pay such taxes: and if he shall fail to show a sufficient cause, a rule shall be entered against him for the payment of such taxes and the cost of such proceeding, which rule shall have the same force and effect as a judgment at law, and be enforced by attachment or execution, or such process as may be directed by the court.

When Treasurers
to visit
townships.

SEC. 19. County treasurers shall not be required to attend in the several townships for the collection of taxes, unless the county commissioners shall make an order requiring the treasurer to attend in any township or townships for that purpose.

Certain articles
exempted.

SEC. 20. That each person in this state may be allowed to hold, exempt from taxation, one man's saddle and bridle, one woman's saddle and bridle, one loom not exceeding in value ten dollars, all such firearms as are kept for the use of the owner, and all stands of bees not exceeding in their aggregate value, as held by one person, the sum of twenty dollars, and cash on hand not exceeding twenty-five dollars; and the books of students, used in their school or college exercises, shall be exempt from taxation.

Two-fifths of a
mill for schools.

SEC. 21. County commissioners shall not levy, for school purposes, more than two-fifths of a mill on the dollar of the grand list.

When delinquent
lands not
to be published.

SEC. 22. County auditors shall not publish in the list of delinquent or forfeited lands, any parcel or lot upon which the taxes due shall not be more than double the cost of publishing such parcel or lot; but such parcel or lot shall be retained upon the duplicate until the taxes due thereon shall be more

than double the cost of publishing the same in the list of delinquent or forfeited lands.

SEC. 23. That in all cases in which a township, including an incorporated town or city, forms but one election district for state officers, there shall be but one assessor elected for such township; and where there is more than one election district in such township, each election district shall elect one assessor for such district.

One assessor
for a district.

SEC. 24. That the assessor may dispense with the oath required in the eighth section of the act to which this is an amendment, where the person listing property is conscientiously opposed to taking such oath: Provided, such person will subscribe the following declaration, or such other as the auditor of state may prescribe: "I do solemnly declare that I am religiously and conscientiously opposed to the taking of an oath or affirmation, and that the personal property, moneys and credits, and the value thereof, as above specified, are fully stated, according to the best of my knowledge and belief, and that I have listed all the personal property, moneys and credits, subject to taxation, owned or held by me, and which I am required, by law, to list, as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent, or factor, as I verily believe;" and if such statement or declaration, so subscribed, shall be false, then the person subscribing the same shall, upon indictment and conviction thereof, be subject to the same punishment as if he had committed perjury.

When oath may
be dispensed
with.

SEC. 25. This act shall be in force from the passage thereof, and all acts and parts of acts inconsistent with the provisions thereof are hereby repealed.

Act in force
from passage.

SEC. 26. It shall be the duty of each township assessor, while engaged in ascertaining the taxable property, by diligent inquiry, annually to ascertain the amount of rents reserved in any leases in fee, for one or more lives, or for a term of years exceeding fourteen, and the terms of which provide, by any contingency, for a continuance or renewal beyond such number of years, and chargeable upon any real property or land within the township, town; or ward, of which he is the assessor; which rents shall be assessed to the person or persons entitled to receive the same, as personal property, which it is hereby declared to be for the purposes of taxation under this act, and the act to which this is an amendment, at a principal sum, the interest of which, at the legal rate per annum, shall produce a sum equal to such annual rents; and in case such rents are payable in any other thing except money, the value of annual rents, in money, shall be ascertained by the assessors, and the same shall be assessed, as aforesaid, and taxes shall be charged, assessed, and collected from any personal property placed upon the grand duplicate in pursuance to the provisions of this section, the same as taxes are charged, assessed and collected on

Rents on leases
specified to be
returned and
taxed.

other personal property in the particular township or ward wherein the same may have been placed upon the grand duplicate.

Provision as to
taxes for city &
corporation
purposes.

SEC. 27. The provisions of the fifty-sixth section of the act to which this is an amendment, so far as they relate to the amount of tax to be assessed for township purposes, shall be and they are hereby extended to all city and town corporations, and no greater per centum of tax shall be levied on the taxable property of such city or town corporate (except to avoid fractions of less than one-fifth of a mill) than shall be necessary to produce a sum equal to the amount which the per centum of tax authorized by existing laws regulating the tax to be levied on taxable property, as valued previously to the year one thousand eight hundred and forty-five, would produce, and five per cent. in addition thereto.

Township trustees to determine amount of road tax.

SEC. 28. The trustees in the several townships in each county, under the restrictions of the fifty-sixth section of the act to which this is an amendment, and the limitations of the twenty-sixth section of the "act prescribing the duties of supervisors, and relating to railroads and highways," passed March twentieth, one thousand eight hundred and thirty-seven, shall have authority to determine the amount necessary to be levied in their townships, respectively, for road purposes.

Special duty of Auditor of State.

SEC. 29. The auditor of state shall, immediately after the passage of this act, prepare, and transmit to the several county auditors, all such forms and instructions as shall be necessary to carry into effect the provisions of this act.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To amend an act entitled "an act to amend the act to provide for the vacating of town plats, and other purposes," passed February 19, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no application made, as provided for in the second section of the act to which this is an amendment, shall be allowed by the court to which such application is made, unless such courts shall be satisfied that the public interests require it, and that the interest of the town will not be prejudiced thereby.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

February 8, 1847.

AN ACT

To encourage Teachers' Institutes.

WHEREAS, it is represented that, in several counties, associations of teachers of common schools, called Teachers' Institutes, have been formed, for the purpose of mutual improvement and advancement in their profession, which, it is represented, have already accomplished much to elevate the standard of common school instruction in their respective counties; therefore, in order to encourage such associations, and thus promote the cause of popular education,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in the several counties mentioned in the fifth section, in which such associations now exist, or in which such associations shall be hereafter formed, it shall be lawful for the county commissioners of said counties to appropriate the annual avails, or any part thereof, of the fund provided for in the third section of the act passed March nineteenth, one thousand eight hundred and thirty-eight, entitled "an act declaratory of, and amendatory to, an act entitled 'an act providing for the distribution and investment of this state's proportion of the surplus revenue,'" passed March twenty-eighth, one thousand eight hundred and thirty-seven, for the purposes of such associations.

County Commissioners may appropriate annual proceeds of surplus revenue.

SEC. 2. The moneys, so appropriated, shall, upon the order of the county auditor, be paid over to and expended by the board of school examiners of the proper county: the one-half thereof, at least, to the payment of suitable persons as instructors and lecturers to such associations, and the balance to the purchase and support of a suitable common school library, for the use of such associations.

Moneys to be paid to lecturers, and for library.

SEC. 3. Every teacher of common schools of the county, and every person of the county intending to become a teacher of common schools within the next twelve months, shall have the right, without charge for instruction, to attend the meetings of such associations, and enjoy all their benefits.

Who shall have a right to attend the meetings of associations.

SEC. 4. It shall be the duty of all the county boards of school examiners, in the several counties mentioned in the fifth section, to report, annually, to the secretary of state, during the month of December, the number of male and female teachers examined by them during the year, the number of certificates given, how many authorized the teaching of reading, writing and arithmetic only; and when moneys shall have been received by virtue of this act, they shall also report how it has been expended, and with what results.

County Boards of Examiners to report to Secretary of State.

SEC. 5. This act shall be in force only in the counties of Ashtabula, Lake, Geauga, Cuyahoga, Erie, Lorain, Medina, Trumbull, Portage, Summit, Delaware.

WILLIAM P. CUTLER,

Speaker of the House of Representatives.

EDSON B. OLDS,

Speaker of the Senate.

SECRETARY OF STATE'S OFFICE,
Columbus, Ohio, March 1, 1847.

I hereby certify that the foregoing acts are true copies of the original, on file in this office.

SAM'L GALLOWAY.
Secretary of State.

INDEX TO GENERAL LAWS.

APPROPRIATIONS.

	Page.
Making appropriations for the year one thousand eight hundred and forty-seven-----	56
Making an appropriation for purposes therein named -----	17

AGRICULTURE.

To amend an act entitled an act for the encouragement of, passed January 27, 1846-----	49
To create a permanent agricultural fund in the State of Ohio, and for other purposes-----	43

BOARD OF PUBLIC WORKS.

Relating to the records of -----	54
To authorize the Board of Public Works to construct a bridge across the Wabash and Erie Canal and the Maumee River, at Defiance--	21

COURTS.

Prescribing the times for holding the supreme court and the third term of the court of common pleas of Cuyahoga county, and for other purposes -----	8
Prescribing the times of holding the court of common pleas in the first judicial circuit -----	7
To fix permanently the times of holding the court of common pleas in the several counties of the second judicial circuit of Ohio -----	11
To amend an act prescribing the times of holding the court of common pleas in the third judicial circuit -----	10
To fix the times of holding the court of common plaes in the fifth judicial circuit -----	13
To fix the times of holding the court of common pleas in the eighth judicial circuit -----	8
Prescribing the times of holding the court of common pleas in the eleventh judicial circuit, for the year 1847 -----	14
To establish the times of holding the court of common pleas in the tenth judicial circuit -----	9
Prescribing the times of holding the court of common pleas in the twelfth judicial circuit-----	15
To amend an act entitled an act prescribing the times of holding the court of common pleas in the thirteenth judicial circuit, passed January 17, 1846 -----	7
Prescribing the times of holding the court of common pleas in the sixteenth judicial circuit-----	14
To amend an act entitled an act to establish a superior court in the city of Cincinnati, passed March 15, 1838 -----	16
Concerning the superior court of Cincinnati -----	12

COMPENSATION OF MEMBERS.

	Page.
Repealing portions of the act passed January 12, 1844, entitled an act to reduce the compensation of the members of the General Assembly, clerks, assistant clerks, and sergeant-at-arms-----	19

CANAL LANDS.

To establish the price of the Miami, Wabash and Erie, and Ohio Canal Lands, and to secure their sale to actual settlers-----	31
--	----

CLAIMS.

To provide for the payment of certain claims against the State of Ohio,	20
---	----

COUNTY COMMISSIONERS.

Restraining the power of county commissioners to remit fines, penalties, and judgments, in certain cases -----	49
--	----

COUNTY SURVEYOR.

To amend an act entitled an act creating the office of county surveyor, and defining his duties-----	56
--	----

COUNTY ORDERS.

To provide for the payment of interest on county orders-----	86
--	----

COUNTY AUDITORS AND TREASURERS.

Providing for the examination of books, &c. -----	42
---	----

COMMON SCHOOLS.

To provide for the appointment of county superintendents of common schools and defining their duties, in certain counties therein named,	32
Further to amend the act entitled an act to amend an act for the support and better regulation of common schools, and to create permanently the office of superintendent -----	26

DECEASED PERSONS.

To amend the act to provide for the settlement of the estates of deceased persons, passed March 23, 1840 -----	25
--	----

FIRE COMPANIES.

To encourage the organization of, and to repeal former acts -----	29
---	----

HUSBANDS AND WIVES.

To amend the act in relation to the interests of husbands in the estates of their wives, passed February 28, 1846 -----	23
---	----

HABEAS CORPUS.

Further to amend the act entitled an act securing the benefits of the writ of habeas corpus, passed February 22, 1811-----	45
--	----

INSOLVENT DEBTORS.

To amend the act entitled an act for the relief of-----	26
---	----

INTOXICATING LIQUORS.

Regulating the sale of -----	Page. 39
------------------------------	-------------

INSPECTOR, &c.

To repeal an act entitled an act to provide for the inspection of salt manufactured in the State of Ohio, and creating the office of in- spector and defining the duties thereof, passed March 5, 1844, and for other purposes-----	22
--	----

INSURANCE.

To authorize suits upon contracts of insurance to be brought in the county in which the contract may be made -----	17
Relating to insurance on life for the benefit of widows and orphans--	53

JUDGES.

To regulate the compensation of Associate Judges, and other officers therein named-----	52
--	----

JUDICIAL AND TAX SALES.

To amend the act for the protection of purchasers at, passed March 2, 1846-----	24
--	----

JUDGMENTS AND EXECUTIONS.

To amend the act regulating judgments and executions, passed March 1, 1831-----	55
--	----

JUSTICES OF THE PEACE AND CONSTABLES.

To amend the act defining the powers and duties of, in civil cases---	52
---	----

LAWS AND JOURNALS.

To amend the act for the distribution and safe keeping of, passed March 12, 1831-----	48
--	----

MILITIA.

To amend the several acts relating to -----	46
---	----

NATIONAL ROAD.

For the relief of creditors on the National Road-----	27
---	----

REVOLUTIONARY SOLDIERS.

To exempt from taxation-----	51
------------------------------	----

REPLEVIN, WRITS OF.

To amend the act allowing and regulating writs of replevin before Justices of the Peace, passed February 14, 1846-----	55
---	----

ROADS AND DRAINS.

To authorize the making, in certain cases -----	50
---	----

REAL ESTATE.

To amend an act entitled an act to provide for the partition of, passed February 17, 1831-----	--
---	----

RAILROAD COMPANY.

To grant the right of way to any railroad company authorized by the States of Missouri, Illinois and Indiana, to construct a continuous railroad line from St. Louis to Cincinnati -----	38
--	----

SURPLUS REVENUE.

To amend an act for the better regulation of the, passed February 27, 1846-----	32
---	----

SALARIES.

To fix permanently the salaries of the State Librarian and Private Secretary to the Governor-----	37
---	----

SUBPŒNAS.

Authorizing subpœnas to run into any county, in civil cases, in which the State is a party in interest -----	23
--	----

SCHOOL LANDS.

To amend an act entitled an act to extend the time of payment to purchasers of school lands in this State, and an act amendatory thereto,	21
---	----

SUPERVISORS.

To amend an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed March 20, 1837-----	19
---	----

TELEGRAPH.

To facilitate the construction of the Electric Telegraph-----	34
---	----

TAXES.

To amend the act for levying taxes on all property in this State according to its true value, passed March 2, 1846, and relative to levying road tax in certain counties-----	59
To amend the act for levying taxes on all property in this State according to its true value, passed March 2, 1846-----	60

TAXES, DELINQUENT.

To regulate the receipt of delinquent taxes, and to repeal section 12th of a certain act therein named -----	26
--	----

TEACHERS' INSTITUTES.

To encourage Teachers' Institutes-----	67
--	----

TOWN PLATS.

To amend an act entitled an act to amend the act to provide for the vacating of, and other purposes, passed February 19, 1840-----	66
--	----

TURNPIKE COMPANIES.

For the relief of creditors of, in which the State is a stockholder----	35
---	----

WEIGHTS AND MEASURES.

To amend an act entitled an act to provide for a uniform standard of weights and measures, passed February 21, 1846-----	30
--	----

TITLES OF THE ACTS OF A LOCAL NATURE,
PASSED BY THE FORTY-FIFTH GENERAL ASSEMBLY,
TOGETHER WITH THE DATE OF THEIR PASSAGE.

ACADEMIES AND COLLEGES.

- An act to incorporate the Mansfield Academical Institute, and also to amend the act entitled an act to incorporate the Ohio Mechanics' Institute, passed February 9, 1829, passed February 8, 1847.
- To amend an act entitled an act to incorporate the Baldwin Institute in Middleburg, Cuyahoga county, passed December 20, 1845, passed February 8, 1847.
- To dispose of two escheated lots in the town of Mansfield, Richland county, passed February 8, 1847.
- To authorize the establishment of professorships in the Farmers' College, Hamilton county, passed February 6, 1847.
- To incorporate the Marietta Female College, passed February 8, 1847.

BENEVOLENT INSTITUTIONS.

- To amend the act to authorize the city council of Cincinnati to erect a house of correction, passed February 8, 1847.
- To incorporate the Hebrew Benevolent Society of Cincinnati, passed February 8, 1847.
- To amend the act entitled "an act to incorporate the trustees and subscribers of the New Orphan's Asylum of colored children in the city of Cincinnati," passed February 8, 1847.

BRIDGES.

- To authorize the construction of a toll bridge over the Little Miami at or near Symmestown, in Hamilton county, passed February 8, 1847.
- To incorporate the New Baltimore and New Haven Turnpike and Bridge Company, passed February 8, 1847.
- To authorize the town council of the town of Defiance to lay a tax for bridge purposes, passed February 8, 1847.
- To incorporate the East Fork Road and Bridge Company, passed February 8, 1847.

CEMETERIES.

- To amend an act entitled "an act to incorporate the directors of the Wesleyan Cemetery of Cincinnati," passed February 9, 1843, passed February 5, 1847.
- To incorporate the Urbana Cemetery Association, passed February 5, 1847.

CHURCHES.

- To incorporate the Ridge Union Meeting House of Clinton and Pleasant townships, Seneca county, Ohio, passed February 8, 1847.
- To amend an act entitled an act to incorporate the Holy Congregation of the Children of Israel, passed January 8, 1830, passed February 8, 1847.
- To change the name of the St. John's Church of Lancaster, to the First German Reformed Church of Lancaster, passed February 8, 1847.
- To change the name of the Presbyterian Church and Congregation of Delhi, passed February 5, 1847.

CITIES AND TOWNS.

- To incorporate the town of Marion in the county of Marion, passed February 8, 1847.
- To amend the charter of the city of Cleveland, passed February 8, 1847.
- To amend the act entitled "an act to incorporate the town of Perrysburg, in the county of Wood," and the several acts amendatory thereto, passed February 8, 1847.
- To incorporate certain towns therein named, passed February 8, 1847.
- Further to amend the act entitled "an act to incorporate the city of Chilli-cothe," passed March 14, 1838, passed February 8, 1847.
- To authorize the mayor and common council of the town of Minster in the county of Mercer, to levy a tax for making side walks and other improvements in said town, passed February 8, 1847.
- To enable the constituted authorities of the town of Cumberland in Guernsey county, to make certain improvements, passed February 8, 1847.
- Supplementary to the act authorizing the city of Dayton to borrow money for certain purposes, passed January 22, 1847, passed February 5, 1847.
- To authorize the mayor and trustees of the town of Harnar, and the town council of the town of Marietta, to convey land to the State of Ohio for hydraulic purposes, passed January 23, 1847.
- To amend an act to incorporate the town of Newark, in the county of Licking, and the several acts amendatory thereto, passed February 8, 1847.
- To authorize a loan of two hundred thousand dollars by the city of Cincinnati, for the use of the water works, passed January 29, 1847.
- To authorize the city council of Dayton to borrow money for certain purposes, passed January 23, 1847.
- To authorize the town of Hamilton to borrow money, and for other purposes, passed February 5, 1847.
- To provide for a better management of the water works of the city of Cincinnati, passed February 3, 1847.
- To enable the town of Bellville to convey a lot of land, passed February 8, 1847.
- Further to amend the act entitled "an act to incorporate the town of Painesville," passed February 8, 1847.
- To amend an act entitled "an act to incorporate the town of Mount Vernon, in Knox county," passed February 26, 1845, passed February 8, 1847.
- Authorizing the town council of the town of Miamisburg to renumber the lots in said town, passed February 8, 1847.
- To amend the act entitled an act to incorporate the town of Steubenville, and also to provide better for the safety, peace, order and good government of said town, passed February 8, 1847.
- To amend the "act to incorporate the town of Barnesville, in Belmont county," passed March 7, 1835, passed February 5, 1847.
- To incorporate certain towns therein named, passed February 5, 1847.

CITIES AND TOWNS—Continued.

Further to amend the act entitled "an act to incorporate the borough of Ashtabula," passed February 5, 1847.

To authorize the city of Cincinnati to fund the floating debt of said city, passed February 3, 1847.

To amend the seventh section of "an act to incorporate certain towns therein named," passed February 28, 1846, passed February 7, 1847.

To amend an act entitled "an act to incorporate Maumee City," passed February 8, 1847.

To amend the act incorporating the city of Cincinnati, passed March 1, 1834, and the several acts amendatory thereto, passed February 5, 1847.

To amend an act entitled "an act to incorporate the town of Urbana, Champaign county, passed December 29, 1814," passed February 8, 1847.

To amend the act entitled "an act to incorporate the town of Mansfield, in the county of Richland," passed February 6, 1847.

To amend the act entitled "an act to incorporate the town of Eaton, in the county of Preble," and the several acts amendatory thereto, passed February 8, 1847.

To amend the act entitled "an act to incorporate the city of Columbus, in the State of Ohio," passed February 8, 1847.

To amend the act entitled "an act to incorporate the town of Milton, passed March 7, 1835," passed February 5, 1847.

COUNTIES, &c.

To detach certain sections from Ashland county, and attach the same to Richland county, passed February 5, 1847.

To authorize the Commissioners of Preble county to borrow money for certain purposes, passed February 8, 1847.

Regulating Supervisors in certain portions of the counties of Highland, Warren, Brown, Clermont, Clinton and Fayette, passed February 8, 1847.

To authorize the Commissioners of the county of Gallia to borrow money for the erection of public buildings, passed January 14, 1847.

To give the Commissioners of Clark county jurisdiction, for certain purposes, over a portion of the unfinished part of the National Road west of Springfield, passed January 14, 1847.

In relation to juries in Hamilton county, passed February 8, 1847.

FUND COMMISSIONERS.

To authorize and empower the Fund Commissioners of Hamilton county to sell and convey a certain lot in the city of Cincinnati, passed February 5, 1847.

GRADES.

To establish grades in a part of Storr's township, Hamilton county, and for other purposes, passed February 8, 1847.

To amend the act entitled "an act to establish grades and enforce the paving and McAdamizing of streets, roads, lanes and alleys, in the southern part of Millcreek township, Hamilton county, passed March 6, 1844," passed February 6, 1847.

INTEMPERANCE.

To prevent intemperance in Medina, Huron, and Erie counties, passed February 8, 1847.

LODGES.

- To incorporate the Urbana Lodge, No. 46, of the Independent Order of Odd Fellows, passed February 8, 1847.
- To incorporate the Master, Wardens, and Brethren of the Mount Zion Lodge, number nine, passed February 8, 1847.

MISCELLANEOUS.

- To authorize the Board of Public Works to abate a nuisance in the city of Dayton, passed February 8, 1847.
- To incorporate the Geauga County Mutual Fire Insurance Company, passed February 8, 1847.
- To authorize the sale of Ministerial Section 29, range 1, town 2, in Cole-rain township, Hamilton county, passed February 8, 1847.
- For the erection of a town hall in the township of Spencer, Medina county, passed February 3, 1847.
- To preserve fish during certain seasons of the year in Chippewa Lake, in Medina county.
- To incorporate the Independent Hook and Ladder Company of Massillon, in Stark county, passed February 8, 1847.
- To incorporate the Castalia Manufacturing Company, passed February 8, 1847.
- To incorporate the Wayne Township Savings Institute, at Bloomfield, Jefferson county, passed February 8, 1847.
- To change the name of Meadow Lane, in Montgomery township, Franklin county, to that of Washington Avenue, passed February 1, 1847.
- To amend an act entitled "an act to provide for the improvement of the navigation of Duck Creek, in the counties of Washington and Monroe," passed February 8, 1847.
- To incorporate the Cleveland Horticultural Society, passed February 5, 1847.
- To amend the act entitled "an act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company," passed March 9, 1839, and all acts amendatory thereto, passed January 11, 1847.
- Providing for the inspection of sawed lumber and shingles, in Hamilton county, passed February 8, 1847.
- To quiet the title of the northeast quarter of section twenty-five, in township three, north of range three, east, in the county of Paulding, passed February 8, 1847.

PRIVATE PERSONS.

- To authorize Mercy King, Ervilla King, and Julian King, to surrender the lease for and become the purchasers of the northwest quarter of section sixteen, in Scipio township, Seneca county, passed February 8, 1847.
- For the relief of Zachariah P. Jones, passed February 8, 1847.
- For the relief of Robert Young and Demas Adams, jr., passed February 8, 1847.
- For the relief of Stacy Taylor, subcontractor under William Kent, passed January 23, 1847.
- To divorce A. Seeley Powers from his wife, Mary Powers, passed February 1, 1847.
- Amendatory to an act entitled "an act authorizing the personal representatives of Micajah T. Williams, late of Hamilton county, deceased, to complete the contracts said Williams made in his lifetime relative to real estate, and for other purposes, passed March 6, 1846," passed January 14, 1847.

PRIVATE PERSONS—Continued.

- To authorize William Lee and John Whan, administrators of the estate of Joshua Brown, (a colored man,) late of Athens, Harrison county, Ohio, deceased, to pay over the amount of personal property belonging to said estate, in their hands and under their control, and deliver the deed or deeds of the one-half of the undivided north half of lot No. 21, as marked on the plat of said town of Athens, in said county, to John Edie, (a colored man,) of Jefferson county, Ohio, passed January 29, 1847.
- To authorize Picton D. Hillyer, administrator of Milo D. Pettibone, deceased, to sell land and complete real contracts of his decedent, and for other purposes, passed February 3, 1847.
- To legalize the acts of Joshua Wickliffe, of Liberty township, Fairfield county, in reference to the sale of certain school lands therein named, passed February 5, 1847.
- For the relief of Alfred Cowles and Edwin W. Cowles, passed February 6, 1847.
- Authorizing Henry B. Alspach to sell certain lots in the town of Jefferson, in Fairfield county, and apply the proceeds to the erection of a school house, passed February 7, 1847.
- For the relief of Elzy Wilson, passed February 8, 1847.

ROADS.

- To authorize the commissioners of Wood county to cut down timber adjoining certain roads in the county of Wood, passed February 3, 1847.
- To create a certain road district therein named, passed February 7, 1847.
- To authorize the Commissioners of Wood county to repair certain roads, passed February 6, 1847.

RAILROADS.

- To incorporate the Wellsville and Pittsburg Railroad Company, passed February 8, 1847.
- To amend the act to incorporate the Carroll County Railroad Company, passed February 8, 1847.
- To incorporate the Eaton and Hamilton Railroad Company, passed February 8, 1847.
- To incorporate the Central Ohio Railroad Company, passed February 8, 1847.
- To authorize the Commissioners of Licking county to take stock in railroad companies, passed February 8, 1847.
- To amend the act to incorporate the Ohio Railroad Company, passed February 8, 1847.
- To amend the "act authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland, Columbus, and Cincinnati Railroad Company," passed February 5, 1847.
- Authorizing the Commissioners of Greene county to subscribe to the capital stock of the Columbus and Xenia Railroad Company, and for other purposes, passed February 6, 1847.
- To amend "an act to authorize the County Commissioners of Hardin county to subscribe to the capital stock of the Madriver and Lake Erie Railroad Company, and to convey certain lots, passed March 16, 1839," passed February 5, 1847.
- To authorize the President and Council of the town of Springfield, in Clark county, to subscribe to the capital stock of the Madriver and Lake Erie Railroad Company, passed February 6, 1847.

- To amend "an act to incorporate the Little Miami Railroad Company, passed March 11, 1836, and the acts amendatory thereto," passed February 5, 1847.
- To amend the "act to incorporate the Cincinnati, Hamilton, and Dayton Railroad Company, passed on the 2d of March, 1846," passed February 8, 1847.
- Authorizing the Commissioners of Madison county to subscribe to the capital stock of the Columbus and Xenia Railroad Company, and the Springfield and Columbus Railroad Company, passed February 8, 1847.
- To incorporate the Dayton, Lebanon, and Deerfield Railroad Company, passed February 6, 1847.
- To amend an act entitled "an act to incorporate the Madriver and Great Miami Railroad Company," passed February 7, 1847.
- To authorize the Commissioners of Franklin county, and the City Council of the city of Columbus, to subscribe stock to certain railroad companies, passed February 6, 1847.
- To authorize the Commissioners of Clark county to subscribe to the capital stock of the Madriver and Lake Erie Railroad Company, and to pay for the same in the mode therein described, passed February 8, 1847.
- To authorize the Cleveland, Columbus, and Cincinnati Railroad Company, to construct side branches, passed February 8, 1847.
- To authorize the city of Dayton to subscribe to the capital stock of railroad companies, passed February 8, 1847.

STATE ROADS.

- To revive an act entitled "an act to lay out and establish a graded State road in the counties of Lawrence and Gallia, passed March 1, 1838," passed February 8, 1847.
- To amend an act entitled "an act to provide for the alteration and completion of the State road from Painesville, in Lake county, to Bloomfield, in Trumbull county, passed February 19, 1846," passed February 8, 1847.
- To revive and amend an act entitled "an act to lay out and establish a State road in the counties of Monroe and Washington," passed February 1, 1847.
- To revive and amend an act entitled "an act to lay out and establish a State road in the counties of Coshocton and Knox," passed February 1, 1847.
- To revive and amend an act entitled "an act to lay out and establish a State road in the counties of Vanwert and Paulding," passed February 5, 1847.
- To lay out and establish a State road in the counties of Jackson and Gallia, passed February 7, 1847.
- In relation to a State road running from Mount Vernon, in Knox county, through Mansfield, Richland county, passed February 8, 1847.
- To lay out and establish a graded State road from Leesburg, Carroll county, to Zoar, in Tuscarawas county, passed February 5, 1847.
- To lay out and establish a graded State road from Coshocton, in Coshocton county, to Canal Dover, in Tuscarawas county, passed February 5, 1847.

SCHOOLS AND SCHOOL LANDS.

- To authorize the sale and conveyance of certain lots in Mansfield, Richland county, passed February 5, 1847.
- To authorize the sale of School Section Sixteen, in Florence township, Williams county, passed February 6, 1847.
- To authorize the sale of school lands belonging to the trustees of fractional township No. 3, in range No. 14, in the county of Gallia, passed February 5, 1847.

SCHOOLS AND SCHOOL LANDS.

- To authorize the sale of school section sixteen, in Willshire township, Vanwert county passed February 6, 1847.
- To authorize the sale of the southwest and northeast quarters of section sixteen, in Rose township, in Carroll county, passed February 5, 1847.
- To extend the time of payment to purchasers of school section number sixteen, in Farmer township, Defiance county, passed Feb. 8, 1847.
- For the support and better regulation of common schools in school district number one, in Ravenna, passed February 8, 1847.
- To authorize the sale of the south half of the southwest quarter, and the east half of the northwest quarter of section sixteen, in township No. 14, range No. 16, in Perry county, Ohio, passed February 8, 1847.
- To authorize the sale of the south half of lot number twenty-four, section three, township seven, range eighteen, United States military school land in Delaware county, passed February 8, 1847.
- To authorize the sale of section sixteen, in Green township, in Hamilton county, passed February 8, 1847.
- For the support and better regulation of common schools in the town of Akron, passed February 8, 1847.
- To authorize the sale of school section sixteen, in Aurelius township, Washington county, passed January 20, 1847.
- To authorize the sale of section sixteen, in Antrim township, Wyandott county, Ohio, passed January 11, 1847.
- To authorize the auditor of Hamilton county to sell lot number one, containing 54 $\frac{1}{2}$ acres in the sub-division of the sixteenth section, in Delhi township, in said county, and to authorize an additional per centum to be levied for school purposes in the city of Cincinnati, passed February 8, 1847.
- To authorize the sale of a part of school section sixteen, in Colerain township, Belmont county, passed January 11, 1847.
- To authorize the sale of school section sixteen, in township twenty-one, range twenty, in Richland county, belonging to a fractional part of Sugar Creek township, Stark county, for school purposes, passed January 14, 1847.
- To authorize the sale of school section sixteen, in township seven, range four, Belmont county, passed January 14, 1847.
- For the relief of school district number two in German township, Harrison county, and school district number ten, in Washington township, in Clermont county, passed February 8, 1847.
- To authorize the sale of school section sixteen, in Olive township, Morgan county, passed February 8, 1847.
- To authorize the sale of school section twenty-six, in township eight, range fifteen, in Meigs county, granted by Congress for the use of schools in the original surveyed township, number eight, range sixteen, Gallia county, passed February 8, 1847.
- To authorize the sale of lots number one and five, of section sixteen, Beaver Creek township, Greene county, passed February 8, 1847.
- To provide for the revaluation and sale of a certain tract of school land in Stark county, passed February 8, 1847.
- To authorize the sale of certain school lands in Seneca and Wyandott counties, passed February 8, 1847.

TURNPIKES.

- To incorporate the Sidney and Wapakonnetta Turnpike Road Company, passed February 8, 1847.
- To incorporate the Walnut Hills, Madison and Plainesville Turnpike Road Company, passed February 8, 1847.
- To amend an act entitled an act to incorporate the Milford and Chillicothe Turnpike Road Company, passed February 11, 1832, and also to amend the act incorporating the Belpre and Cincinnati Railroad Company, passed February 8, 1847.
- To repeal part of the sixth section of the act authorizing the commissioner of Wood county to purchase the the Perrysburg, Findlay and Kenton turnpike road, passed January 21, 1845, passed February 3, 1847.
- To incorporate the Salem Turnpike Road Company, passed January 29, 1847.
- To incorporate the Germantown, Farmersville and West Alexandria Turnpike Road Company, passed January 29, 1847.
- To incorporate the Hamilton and Gregory's Creek Turnpike Road Company, passed January 21, 1847.
- To incorporate the Columbus, Harrisburgh, Mt. Sterling and Washington Turnpike Road Company, passed February 5, 1847.
- Supplementary to the act entitled an act to incorporate the Dayton, Xenia and Washington Turnpike Road Company, passed February 8, 1847.
- To incorporate the Clark and Miami Turnpike Company, passed February 5, 1847.
- To incorporate the Amanda, Monroe, and Redbank Turnpike Road Company, passed February 6, 1847.
- To incorporate the Miltonville and Trenton Turnpike Road Company, passed February 1, 1847.
- To incorporate the Western Miami Valley Turnpike Road Company, passed February 6, 1847.
- To amend the act to incorporate the Gallia, Jackson and Chillicothe Turnpike Company, passed February 11, 1846, passed February 5, 1847.
- To amend the act entitled an act to incorporate the Dayton and Brant Turnpike Road Company, passed February 6, 1847.
- To incorporate the Princeton and Port Union Turnpike Road Company, passed February 5, 1847.

TURNPIKES, FREE.

- To legalize the proceedings of the commissioners appointed to lay out and establish a free turnpike road from the south line of township five, range twelve, in Wood county, to McCutchensville, in Wyandott county, passed February 11, 1845, passed February 8, 1847.
- To lay out and establish a free turnpike road from Port Washington, in Tuscarawas county, to Newtown, in said county, passed February 5, 1847.
- To lay out and establish a free turnpike road from Defiance, in Defiance county, to the Indiana State line, at the point where the Fort Wayne road now crosses said State line, in the county of Paulding, in the State of Ohio, passed February 8, 1847.
- To lay out and establish a free turnpike road from Marysville, in Union county, eastwardly, to the Delaware county line, passed Feb. 8, 1847.
- To authorize the Springfield and Urbana Turnpike Company to surrender to the trustees of the Springfield and Sandusky Free Turnpike Road Company all their powers and privileges, passed February 8, 1847.

TURNPIKES, FREE — *Continued.*

- To lay out and establish a free turnpike road from Logan to Mt. Pleasant, in Hocking county, and to McArthurstown, in Athens county, passed February 8, 1847.
- To lay out and establish a free turnpike road from Locust Point, in Ottawa county, to the Maumee and Western Reserve road, in Sandusky county, passed February 8, 1847.
- To revive and amend the act entitled "an act to lay out and establish a free turnpike road from the Mad River and Lake Erie Railroad in the county of Hardin, to the county Vanwert, passed January 9, 1845, passed February 8, 1847.
- To amend the act "to lay out and establish a free turnpike road from Woodville, through Rollersville, in Sandusky county," passed February 9, 1846, passed February 8, 1847.
- To revive an act entitled "an act to lay out and establish a free turnpike road from the south line of township five, range twelve, in Wood county, to McCutchensville, in Wyandott county," passed February 11, 1846, passed, February 8, 1847.
- To lay out and establish a free turnpike road from the Findlay road to the McCutchensville road, in Wood county, passed Februar; 8, 1847.
- To lay out and establish the Hull Prairie free turnpike road, passed February 8, 1847.
- Accepting the chartered franchises of the First Range Turnpike Company, in Ashtabula county, and declaring their road a free turnpike road, passed February 8, 1847.
- To lay out and establish Liberty township and Miltonville free turnpike road, passed February 8, 1847.
- To lay out and establish a free turnpike road from McCutchensville, in the county of Wyandott, to Oceola, in the county of Crawford, in the State of Ohio, passed February 8, 1847.
- To amend an act entitled an act to lay out and establish a free turnpike road from the town of Perrysburg to the north line of Wood county," passed January 29, 1846, passed January 14, 1847.
- To lay out and establish a free turnpike road from Piqua, Miami county, to Beamsville, in Darke county, passed January 14, 1847.
- To amend an act entitled "an act to lay out a free turnpike road from South Otsego to the north line of Hancock county, passed March 10, 1845, passed February 2, 1847.
- To lay out and establish a free turnpike road from the town of Jackson, in Jackson county, to the town of Portsmouth, in Scioto county, passed January 6, 1847.
- To lay out and establish a free turnpike road from New Washington, in Guernsey co., to Newtown, in Tuscarawas co., passed Jan. 14, 1847.
- To lay out and establish a free turnpike road from the town of Portsmouth, in the county of Scioto, to the town of Hillsborough, in Highland county, passed February 5, 1847.
- To authorize the commissioners of Logan county to apportion road tax amongst free turnpike roads in said county, passed February 5, 1847.
- To legalize the proceedings of the commissioners appointed to relocate a portion of the Brunersburg, Evansport and Lockport free turnpike road in Defiance county, passed February 5, 1847.
- To amend the act entitled an act to lay out and establish the Lima and Defiance free turnpike road, passed February 6, 1847.
- To amend an act entitled an act to lay out and establish a free turnpike road from Gilead, in Wood county, to Kalida, in Putnam county, passed March 2, 1846, passed February 6, 1847.

TAXES.

To authorize the commissioners of Hancock county to levy an additional tax for road purposes, passed February 3, 1847.

To authorize the city council of Cincinnati to levy taxes for school purposes, passed February 6, 1847.

To authorize the commissioners of Sandusky county to levy a tax on certain parts of said county for the purpose of improving the navigation of the Sandusky river, and the head of the Sandusky bay, passed January 14, 1847.

To authorize the commissioners of Paulding county to levy a certain tax for county purposes, passed February 8, 1847.

To authorize the commissioners of Guernsey county to levy a sufficient tax for county purposes, passed February 8, 1847.

TOWNSHIPS.

To divide the township of Steubenville, in Jefferson county, into two election districts, passed February 8, 1847.

To reduce the number of township assessors in Scioto township, Ross county, from five to two, passed January 14, 1847.

To provide for leasing a tract of land in Freeport township, Harrison county, passed February 2, 1847.

Relating to taxes in the county of Hamilton, and the southern precinct in Millcreek township, passed February 5, 1847.

To appoint commissioners to establish section lines, corners and quarter posts in the townships of St. Josephs, Centre and Pulaski, in the county of Williams, passed February 8, 1847.

Authorizing the commissioners of Cuyahoga county, in their discretion, to erect a new township in said county, passed February 8, 1847.

UNIVERSITIES.

To amend the act to incorporate the Willoughby University of Lake Erie, passed January 14, 1847.

To provide for funding the debts of the Ohio University, passed February 8, 1847.

To authorize the President and Trustees of the Miami University to relinquish certain rents in certain cases, passed February 8, 1847.

RESOLUTIONS.**A.****ASYLUMS.**

Admission of John Dunn into the Lunatic Asylum.

Admitting a certain lunatic into the Lunatic Asylum.

Appointing Adin G. Hills director of Lunatic Asylum.

Appointing James Hoge trustee of the Deaf and Dumb, and Joseph McIlvaine trustee of the Blind Asylum.

Directors and Superintendent of the Deaf and Dumb, relative to printing the report of the.

Officers of the Blind, relative to printing the report of the.

Officers of the Lunatic, relative to printing extra copies of the report of the.

Auditor and Treasurer of State, appointing a committee to examine the books of.

B.

BOARD OF PUBLIC WORKS.

To settle and adjust claims.

To repair the road leading from Logan to Lancaster.

To make certain examinations relative to South Fork feeder of Licking creek.

Calling on Board of Public Works for certain information.

Relative to printing extra copies of annual report of.

Boundaries of the States of Virginia, Kentucky and Ohio, relative to.
Barbee, William, authorized to construct a dam across the Miami river.

C.

• Claim of George D. Leckey, relative to.

Certain claims, relative to.

• Claim of John Graham and others, relative to.

• Claims, joint resolution relative to.

• Claim of J. W. Jones and others, in relation to.

Claim of H. Hardy, relative to.

• • Claim of J. D. Osborne & Co., relative to.

Claims of W. H. Protsman and Thomas F. Jones, joint resolution allowing.

Claims, presented against the State for certain services; joint resolution appointing the Governor, Auditor of State, and Attorney General, commissioners to investigate and determine the validity of.

Common Schools relative to printing extra copies of report of the Superintendent of.

Commissioners, Special, to investigate claims on the National Road, relative to printing extra copies of report of the.

Certain claims, joint resolution relative to.

Claim of I. N. Whiting and others, relative to.

Claim of I. G. Dryer & Co., relative to.

Charity school of Kendall, Stark county, relative to.

Clergymen of Columbus, resolution of thanks to.

Currency, safe and sound, relative to.

Cox, Levi, relative to per diem allowance of.

H.

• Hamer, Gen., joint resolution relative to.

Resolution appointing commissioners to remove the remains of, from Mexico.

I.

Index to the Laws and Journals, relative to preparing.

Index to General Laws, relative to printing and compiling.

L.

Laws, certain, relative to furnishing the clerk of common pleas of Seneca county with copies of.

Laws, Journals and Reports, relative to furnishing copies of, to the clerks of Knox and Cuyahoga counties.

Laws, school, relative to furnishing the auditor of Sandusky county, with certain copies.

Laws and Journals, relative to the distribution of.

Laws, certain, directing clerks of common pleas to furnish directors of poor-houses with.

Laws, certain, relative to furnishing the clerk of Wood county with.
 Laws, certain, relative to forwarding clerk common pleas, Warren county, with.
 Laws, copies of, directing Secretary of State to furnish to certain superintendents.

M.

Medical College of Ohio, appointing trustees of.

O.

Oregon Territory, and other territory which may hereafter be annexed to the United States, relative to excluding slavery from.
 Ohio Reports, authorizing the Secretary of State to furnish copies of, to the clerks of common pleas.
 Ohio University, relative to appointing trustees for.
 Ohio Penitentiary, calling upon the Warden and Directors of, for certain information.

P.

Postage of Members and Clerks, relative to.

R.

Russell, James, relative to.
 Rules, standing and joint, relative to furnishing members with copy of.

S.

Scippo Reservoir, relative to.
 Swan's Collated Statutes, relative to furnishing clerk of Ashland common pleas with.
 Superior court of Cincinnati, relative to printing act concerning.
 State Librarian, authorized to collect natural or artificial curiosities within the State of Ohio.
 Supreme Court, relative to appointing a joint select committee to fix the times of holding.
 Stickney, Benjamin F., relative to.
 State House, relative to repairing.
 Spoliations, French, relative to.

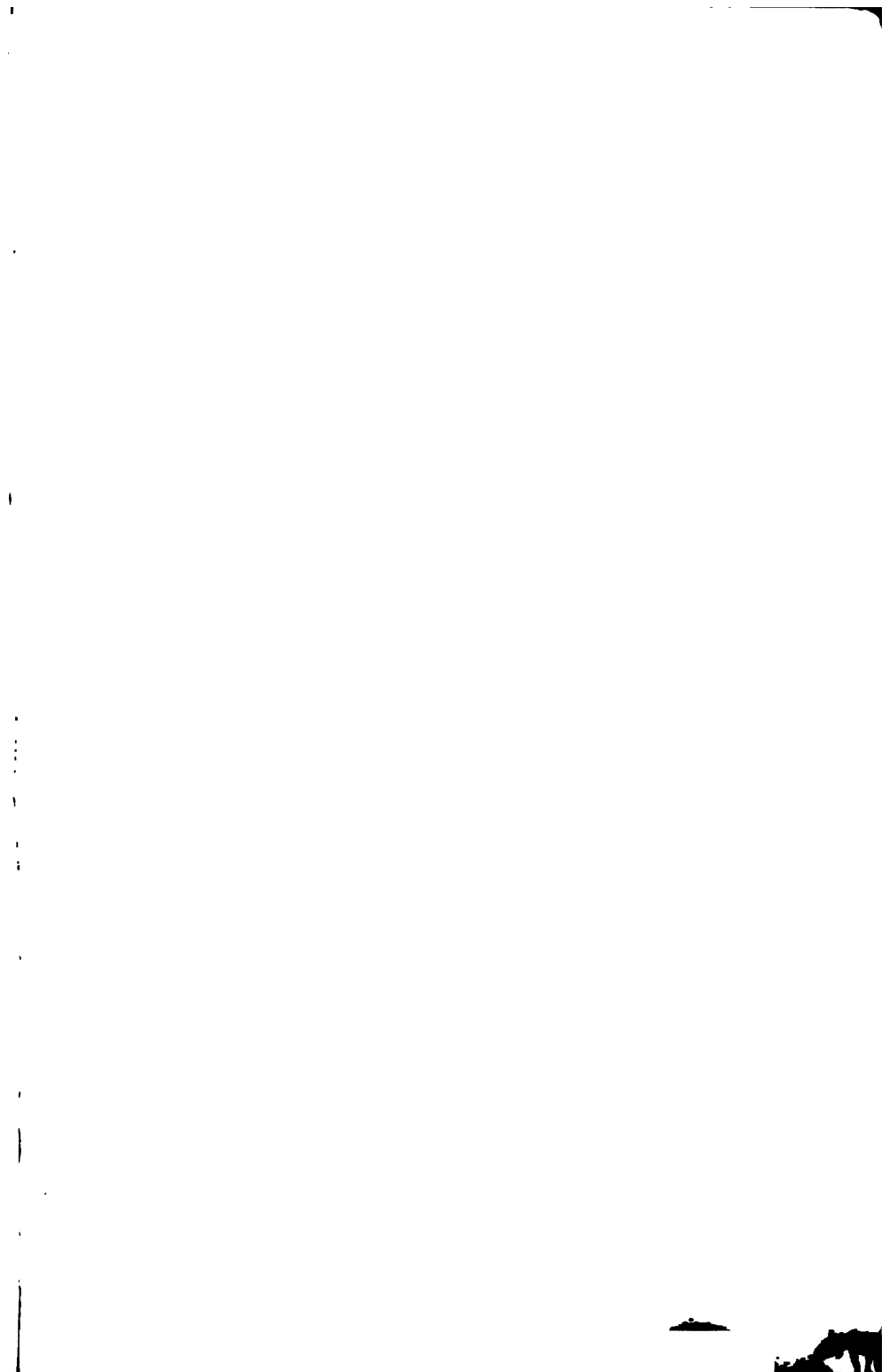
T.

TURNPIKE ROAD COMPANIES—

Relative to examining the affairs of Zanesville and Maysville.
 Columbus and Sandusky, directing Attorney General to inquire into certain facts relative to.
 Taylor and Scott, Generals, relative to.
 Thanksgiving, relative to a day of.

V.

Volunteers, Ohio, relative to.
 Volunteer service, and relative to the pay of the soldiers of.
 Volunteers who have served during the Mexican war, relative to requesting our Senators and Representatives to urge an increase of the pay of.





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